

# Calendar No. 243

113TH CONGRESS  
1ST SESSION

# S. 1356

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 24, 2013

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. HARKIN, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

NOVEMBER 12, 2013

Reported by Mr. HARKIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Workforce Investment Act of 2013”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

**TITLE I—SYSTEM ALIGNMENT AND INNOVATION**

Sec. 101. Definitions.

**Subtitle A—Workforce Boards and Plans**

**CHAPTER 1—STATE PROVISIONS**

Sec. 111. State workforce development boards.

Sec. 112. Unified State plan.

Sec. 113. Combined State plan.

**CHAPTER 2—LOCAL PROVISIONS**

Sec. 116. Local workforce development areas.

Sec. 117. Local workforce development boards.

Sec. 118. Local plan.

**CHAPTER 3—GENERAL PROVISIONS**

Sec. 121. Qualifications for directors.

Sec. 122. Funding of State and local boards.

**Subtitle B—Workforce Development Performance Accountability System**

Sec. 131. Performance accountability system.

**Subtitle C—Workforce Innovation and Replication Grants**

Sec. 141. Purposes.

Sec. 142. Workforce innovation and replication grants.

Sec. 143. Youth innovation and replication grants.

Sec. 144. Interagency agreement.

**TITLE II—WORKFORCE INVESTMENT AND RELATED ACTIVITIES**

**Subtitle A—Definition**

Sec. 201. Definition.

**Subtitle B—Workforce Investment Activities and Providers**

Sec. 211. Purpose.

**CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS**

- Sec. 221. Establishment of one-stop delivery systems.
- Sec. 222. Identification of eligible providers of training services.
- Sec. 223. Eligible providers of youth workforce investment activities.

#### CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

- Sec. 226. General authorization.
- Sec. 227. State allotments.
- Sec. 228. Within State allocations.
- Sec. 229. Use of funds for youth workforce investment activities.

#### CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

- Sec. 231. General authorization.
- Sec. 232. State allotments.
- Sec. 233. Within State allocations.
- Sec. 234. Use of funds for employment and training activities.

#### CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

- Sec. 236. Authorization of appropriations.

#### Subtitle C—Job Corps

- Sec. 241. Purposes.
- Sec. 242. Definitions.
- Sec. 243. Establishment.
- Sec. 244. Individuals eligible for the Job Corps.
- Sec. 245. Recruitment, screening, selection, and assignment of enrollees.
- Sec. 246. Enrollment.
- Sec. 247. Job Corps centers.
- Sec. 248. Program activities.
- Sec. 249. Counseling and job placement.
- Sec. 250. Support.
- Sec. 251. Operating plan.
- Sec. 252. Standards of conduct.
- Sec. 253. Community participation.
- Sec. 254. Industry councils.
- Sec. 255. Advisory committees.
- Sec. 256. Experimental, research, and demonstration projects.
- Sec. 257. Application of provisions of Federal law.
- Sec. 258. Special provisions.
- Sec. 259. Management information.
- Sec. 260. General provisions.
- Sec. 261. Authorization of appropriations.

#### Subtitle D—National Programs

- Sec. 266. Native American programs.
- Sec. 267. Migrant and seasonal farmworker programs.
- Sec. 268. Veterans' workforce investment programs.
- Sec. 269. Technical assistance.
- Sec. 270. Evaluations and research.
- Sec. 271. National dislocated worker grants.
- Sec. 272. YouthBuild program.
- Sec. 274. Authorization of appropriations.

### Subtitle E—Administration

- Sec. 281. Requirements and restrictions.
- Sec. 282. Prompt allocation of funds.
- Sec. 283. Monitoring.
- Sec. 284. Fiscal controls; sanctions.
- Sec. 285. Reports; recordkeeping; investigations.
- Sec. 286. Administrative adjudication.
- Sec. 287. Judicial review.
- Sec. 288. Nondiscrimination.
- Sec. 289. Secretarial administrative authorities and responsibilities.
- Sec. 290. Workforce flexibility plans.
- Sec. 291. State legislative authority.
- Sec. 292. Transfer of Federal equity in State employment security agency real property to the States.
- Sec. 293. Continuation of State activities and policies.
- Sec. 294. General program requirements.

## TITLE III—ADULT EDUCATION AND LITERACY

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Home schools.
- Sec. 305. Rule of construction regarding postsecondary transition and concurrent enrollment activities.
- Sec. 306. Authorization of appropriations.

### Subtitle A—Federal Provisions

- Sec. 311. Reservation of funds; grants to eligible agencies; allotments.
- Sec. 312. Performance accountability system.

### Subtitle B—State Provisions

- Sec. 321. State administration.
- Sec. 322. State distribution of funds; matching requirement.
- Sec. 323. State leadership activities.
- Sec. 324. State plan.
- Sec. 325. Programs for corrections education and other institutionalized individuals.

### Subtitle C—Local Provisions

- Sec. 331. Grants and contracts for eligible providers.
- Sec. 332. Local application.
- Sec. 333. Local administrative cost limits.

### Subtitle D—General Provisions

- Sec. 341. Administrative provisions.
- Sec. 342. National leadership activities.
- Sec. 343. Integrated English literacy and civics education.

## TITLE IV—AMENDMENTS TO THE WAGNER-PEYSER ACT

- Sec. 401. Employment service offices.
- Sec. 402. Definitions.

Sec. 403. Federal and State employment service offices.  
 Sec. 404. Allotment of sums.  
 Sec. 405. Use of sums.  
 Sec. 406. State plan.  
 Sec. 407. Performance measures.  
 Sec. 408. Pilot projects.  
 Sec. 409. Workforce and labor market information system.

## TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973

### Subtitle A—Introductory Provisions

Sec. 501. References.  
 Sec. 502. Findings, purpose, policy.  
 Sec. 503. Disability Employment Services and Supports Administration.  
 Sec. 504. Definitions.  
 Sec. 505. Administration of the Act.  
 Sec. 506. Reports.  
 Sec. 507. Evaluation and information.  
 Sec. 508. Carryover.  
 Sec. 509. Traditionally underserved populations.

### Subtitle B—Vocational Rehabilitation Services

Sec. 511. Declaration of policy; authorization of appropriations.  
 Sec. 512. State plans.  
 Sec. 513. Eligibility and individualized plan for employment.  
 Sec. 514. Vocational rehabilitation services.  
 Sec. 515. State Rehabilitation Council.  
 Sec. 516. Evaluation standards and performance indicators.  
 Sec. 517. Monitoring and review.  
 Sec. 518. Training and services for employers.  
 Sec. 519. State allotments.  
 Sec. 520. Payments to States.  
 Sec. 521. Client assistance program.  
 Sec. 522. Technical assistance for quality services.  
 Sec. 523. Pre-employment transition services.  
 Sec. 524. American Indian vocational rehabilitation services.  
 Sec. 525. Vocational rehabilitation services client information.  
 Sec. 526. GAO study on interaction with the Ticket to Work and Self-Sufficiency Program.

### Subtitle C—Research and Training

Sec. 531. Purpose.  
 Sec. 532. Authorization of appropriations.  
 Sec. 533. National Institute on Disability, Independent Living, and Rehabilitation Research.  
 Sec. 534. Interagency committee.  
 Sec. 535. Research and other covered activities.  
 Sec. 536. Disability, Independent Living, and Rehabilitation Research Advisory Council.  
 Sec. 537. Definition of covered school.

### Subtitle D—Professional Development and Special Projects and Demonstration

- Sec. 541. Purpose; training.
- Sec. 542. Demonstration and training programs.
- Sec. 543. Migrant and seasonal farmworkers.
- Sec. 544. Recreational programs.

#### Subtitle E—National Council on Disability

- Sec. 551. Establishment.
- Sec. 552. Report.
- Sec. 553. Authorization of appropriations.

#### Subtitle F—Rights and Advocacy

- Sec. 556. Interagency Committee, Board, and Council.
- Sec. 557. Protection and advocacy of individual rights.
- Sec. 558. Employment of individuals with disabilities at wages below minimum wage.

#### Subtitle G—Employment Opportunities for Individuals With Disabilities

- Sec. 561. Projects With Industry.
- Sec. 562. Authorization of appropriations.
- Sec. 563. Supported employment services.

#### Subtitle H—Independent Living Services and Centers for Independent Living

##### CHAPTER 1—GENERAL PROVISIONS

- Sec. 571. Purpose.
- Sec. 572. Independent Living Administration.
- Sec. 573. Definitions.
- Sec. 574. State plan.
- Sec. 575. Statewide Independent Living Council.
- Sec. 575A. Responsibilities of the ILA Director.

##### CHAPTER 2—INDEPENDENT LIVING SERVICES

- Sec. 576. Administration.

##### CHAPTER 3—CENTERS FOR INDEPENDENT LIVING

- Sec. 581. Program authorization.
- Sec. 582. Centers.
- Sec. 583. Standards and assurances.
- Sec. 584. Authorization of appropriations.

##### CHAPTER 4—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

- Sec. 586. Independent living services for older individuals who are blind.
- Sec. 587. Program of grants.
- Sec. 588. Independent living services for older individuals who are blind authorization of appropriations.

#### Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities

- Sec. 591. Disability employment.

Subtitle J—General Provisions

- Sec. 596. Transfer of functions to Department of Labor, and savings provisions.
- Sec. 597. Transfer of functions to Department of Health and Human Services, and savings provisions.
- Sec. 598. Table of contents.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Workforce Investment

- Sec. 601. Privacy.
- Sec. 602. Buy-American requirements.
- Sec. 603. Transition provisions.
- Sec. 604. Effective dates.

Subtitle B—Amendments to Other Laws

- Sec. 611. Repeal of the Workforce Investment Act of 1998.
- Sec. 612. Preparation and submission of conforming amendments.
- Sec. 613. Workforce investment-related conforming amendments.
- Sec. 614. Disability-related conforming amendments.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are the following:

3 (1) To increase, for individuals in the United  
 4 States, particularly those individuals with barriers to  
 5 employment, access to and opportunities for the em-  
 6 ployment, education, training, and support services  
 7 they need to succeed in the labor market.

8 (2) To support the alignment of workforce in-  
 9 vestment, education, and economic development sys-  
 10 tems in support of a comprehensive, accessible, and  
 11 high-quality workforce development system in the  
 12 United States.

13 (3) To improve the quality and labor market  
 14 relevance of workforce investment, education, and  
 15 economic development efforts to provide America's

workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.

(4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of—

(A) workers and jobseekers; and

(B) employers.

(5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.

## **TITLE I—SYSTEM ALIGNMENT AND INNOVATION**

### **SEC. 101. DEFINITIONS.**

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) **ADULT.**—Except as otherwise specified in section 232, the term “adult” means an individual who is age 18 or older.

(2) **ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.**—The terms “adult edu-



1        eation” and “adult education and literacy activities”  
 2        have the meanings given the terms in section 303.

3        ~~(3) AREA CAREER AND TECHNICAL EDUCATION~~  
 4        ~~SCHOOL.~~—The term “area career and technical edu-  
 5        cation school” has the meaning given the term in  
 6        section 3 of the Carl D. Perkins Career and Tech-  
 7        nical Education Act of 2006 (20 U.S.C. 2302).

8        (4) BASIC SKILLS DEFICIENT.—The term  
 9        “basic skills deficient” means, with respect to an in-  
 10        dividual—

11                (A) who is a youth, that the individual has  
 12                English reading, writing, or computing skills at  
 13                or below the 8th grade level on a generally ac-  
 14                cepted standardized test; or

15                (B) who is a youth or adult, that the indi-  
 16                vidual is unable to compute or solve problems;  
 17                or read, write, or speak English at a level nec-  
 18                essary to function on the job, in the individual’s  
 19                family, or in society.

20        ~~(5) CAREER AND TECHNICAL EDUCATION.~~—The  
 21        term “career and technical education” has the  
 22        meaning given the term “career and technical edu-  
 23        cation” in section 3 of the Carl D. Perkins Career  
 24        and Technical Education Act of 2006 (20 U.S.C.  
 25        2302).

1           (6) CAREER PATHWAY.—

2           (A) IN GENERAL.—The term “career path-  
3           way” means a set of rigorous, engaging, and  
4           high-quality education, training, and other serv-  
5           ices to prepare individuals to meet a set of ca-  
6           reer-related objectives as referenced in subpara-  
7           graph (C).

8           (B) SERVICES.—The services referred to in  
9           subparagraph (A) shall be—

10           (i) aligned with the skill needs of in-  
11           dustries in the State or regional economy  
12           involved; and

13           (ii) designed to increase an individ-  
14           ual’s educational and skill attainment, and  
15           improve the individual’s employment out-  
16           comes and ability to meet career-related  
17           objectives, by—

18           (I) preparing individuals for the  
19           full range of secondary or postsec-  
20           ondary education options, including  
21           apprenticeships registered under the  
22           Act of August 16, 1937 (commonly  
23           known as the “National Apprentice-  
24           ship Act”; 50 Stat. 664, chapter 663;  
25           29 U.S.C. 50 et seq.) (referred to in-

dividually in this Act as an “apprenticeship”, except in section 272);

(II) including counseling to support individuals in achieving their education and career goals;

(III) including, as appropriate for an individual, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster; and

(IV) organizing education, training, and other services to meet the particular needs of the individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable.

(C) OBJECTIVES.—The objectives referred to in subparagraph (A) include—

(i) enabling a worker to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized post-secondary credential; and

1                   (ii) helping a worker enter or advance  
2                   within a specific occupation or occupational  
3                   cluster.

4           (7) CAREER PLANNING.—The term “career  
5           planning” means the provision of a client-centered  
6           approach in the delivery of services, designed—

7                   (A) to prepare and coordinate comprehen-  
8                   sive employment plans, such as service strate-  
9                   gies, for participants to ensure access to nec-  
10                  essary workforce investment activities and sup-  
11                  portive services, using, where feasible, com-  
12                  puter-based technologies; and

13                  (B) to provide job, education, and career  
14                  counseling, as appropriate during program par-  
15                  ticipation and after job placement.

16           (8) CHIEF ELECTED OFFICIAL.—The term  
17           “chief elected official” means—

18                   (A) the chief elected executive officer of a  
19                   unit of general local government in a local area;  
20                   and

21                   (B) in a case in which a local area includes  
22                   more than 1 unit of general local government,  
23                   the individuals designated under the agreement  
24                   described in section 117(c)(1)(B).

1           ~~(9) COMMUNITY-BASED ORGANIZATION.—~~The  
 2           term “community-based organization” means a pri-  
 3           vate nonprofit organization (which may include a  
 4           faith-based organization); that is representative of a  
 5           community or a significant segment of a community  
 6           and that has demonstrated expertise and effective-  
 7           ness in the field of workforce development.

8           ~~(10) COMPETITIVE INTEGRATED EMPLOY-~~  
 9           ~~MENT.—~~The term “competitive integrated employ-  
 10          ment” has the meaning given the term in section 7  
 11          of the Rehabilitation Act of 1973 (29 U.S.C. 705),  
 12          for individuals with disabilities.

13          ~~(11) CORE PROGRAM.—~~The term “core pro-  
 14          grams” means a program authorized under a core  
 15          program provision.

16          ~~(12) CORE PROGRAM PROVISION.—~~The term  
 17          “core program provision” means—

18                 ~~(A) chapter 2 and 3 of subtitle B of title~~  
 19                 II (relating to youth workforce investment ac-  
 20                 tivities and adult and dislocated worker employ-  
 21                 ment and training activities);

22                 ~~(B) title III (relating to adult education~~  
 23                 and literacy activities);

1           ~~(C) sections 1 through 13 of the Wagner-~~  
 2           ~~Peyser Act (29 U.S.C. 49 et seq.) (relating to~~  
 3           ~~employment services); and~~

4           ~~(D) title I of the Rehabilitation Act of~~  
 5           ~~1973 (29 U.S.C. 720 et seq.); other than sec-~~  
 6           ~~tion 112 or part C of that title (29 U.S.C. 732,~~  
 7           ~~741) (relating to vocational rehabilitation serv-~~  
 8           ~~ices).~~

9           ~~(13) CUSTOMIZED TRAINING.—The term “cus-~~  
 10          ~~tomized training” means training—~~

11           ~~(A) that is designed to meet the specific~~  
 12           ~~requirements of an employer (including a group~~  
 13           ~~of employers);~~

14           ~~(B) that is conducted with a commitment~~  
 15           ~~by the employer to employ an individual upon~~  
 16           ~~successful completion of the training; and~~

17           ~~(C) for which the employer pays—~~

18           ~~(i) a significant portion of the cost of~~  
 19           ~~training; as determined by the local board~~  
 20           ~~involved, taking into account the size of~~  
 21           ~~the employer and such other factors as the~~  
 22           ~~local board determines to be appropriate;~~  
 23           ~~which may include the number of employ-~~  
 24           ~~ees participating in training; wage and~~  
 25           ~~benefit levels of those employees (at~~

present and anticipated upon completion of the training); relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State; a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(14) **DISLOCATED WORKER.**—The term “dislocated worker” means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or lay-off, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 221(e), attachment to the workforce, but is not

1 eligible for unemployment compensation due to  
2 insufficient earnings or having performed serv-  
3 ices for an employer that were not covered  
4 under a State unemployment compensation law;  
5 and

6 (iii) is unlikely to return to a previous in-  
7 dustry or occupation;

8 (B)(i) has been terminated or laid off, or  
9 has received a notice of termination or layoff,  
10 from employment as a result of any permanent  
11 closure of, or any substantial layoff at, a plant,  
12 facility, or enterprise;

13 (ii) is employed at a facility at which the  
14 employer has made a general announcement  
15 that such facility will close within 180 days; or

16 (iii) for purposes of eligibility to receive  
17 services other than training services described  
18 in section 234(e)(4), intensive services described  
19 in section 234(e)(3), or supportive services, is  
20 employed at a facility at which the employer  
21 has made a general announcement that such fa-  
22 cility will close;

23 (C) was self-employed (including employ-  
24 ment as a farmer, a rancher, or a fisherman)  
25 but is unemployed as a result of general eco-



1            nomic conditions in the community in which the  
 2            individual resides or because of natural disas-  
 3            ters;

4            ~~(D)~~ is a displaced homemaker; or

5            ~~(E)(i)~~ is the spouse of a member of the  
 6            Armed Forces on active duty (as defined in sec-  
 7            tion 101(d)(1) of title 10, United States Code);  
 8            and who has experienced a loss of employment  
 9            as a direct result of relocation to accommodate  
 10          a permanent change in duty station of such  
 11          member; or

12          ~~(ii)~~ is the spouse of a member of the  
 13          Armed Forces on active duty and who meets  
 14          the criteria described in paragraph (15)(B).

15          ~~(15)~~ DISPLACED HOMEMAKER.—The term “dis-  
 16          placed homemaker” means an individual who has  
 17          been providing unpaid services to family members in  
 18          the home and who—

19          ~~(A)(i)~~ has been dependent on the income of  
 20          another family member but is no longer sup-  
 21          ported by that income;

22          ~~(ii)~~ is the dependent spouse of a member  
 23          of the Armed Forces on active duty (as defined  
 24          in section 101(d)(1) of title 10, United States  
 25          Code) and whose family income is significantly

1 reduced because of a deployment (as defined in  
 2 section 991(b) of title 10, United States Code;  
 3 or pursuant to paragraph (4) of such section);  
 4 a call or order to active duty pursuant to a pro-  
 5 vision of law referred to in section  
 6 101(a)(13)(B) of title 10, United States Code;  
 7 a permanent change of station; or the service-  
 8 connected (as defined in section 101(16) of title  
 9 38, United States Code) death or disability of  
 10 the member; or

11 (iii) is a parent whose youngest dependent  
 12 child will become ineligible to receive assistance  
 13 under part A of title IV of the Social Security  
 14 Act (42 U.S.C. 601 et seq.) not later than 2  
 15 years after the date on which the parent applies  
 16 for assistance under such title; and

17 (B) is unemployed or underemployed and  
 18 is experiencing difficulty in obtaining or up-  
 19 grading employment.

20 (16) ECONOMIC DEVELOPMENT AGENCY.—The  
 21 term “economic development agency” includes a  
 22 local planning or zoning commission or board; a  
 23 community development agency; and another local  
 24 agency or institution responsible for regulating, pro-  
 25 moting, or assisting in local economic development.

1           (17) ECONOMIC SELF-SUFFICIENCY.—The term  
 2           “economic self-sufficiency” means economic self-suf-  
 3           ficiency within the meaning of subsections  
 4           (a)(3)(A)(xii) and (d)(1)(A)(xii) of section 234.

5           (18) ELIGIBLE YOUTH.—Except as provided in  
 6           subtitles C and D of title II, the term “eligible  
 7           youth” means an in-school or out-of-school youth.

8           (19) EMPLOYMENT AND TRAINING ACTIVITY.—  
 9           The term “employment and training activity” means  
 10          an activity described in section 234 that is carried  
 11          out for an adult or dislocated worker.

12          (20) ENGLISH LANGUAGE ACQUISITION PRO-  
 13          GRAM.—The term “English language acquisition  
 14          program” has the meaning given the term in section  
 15          303.

16          (21) ENGLISH LANGUAGE LEARNER.—The term  
 17          “English language learner” has the meaning given  
 18          the term in section 303.

19          (22) GOVERNOR.—The term “Governor” means  
 20          the chief executive of a State or an outlying area.

21          (23) IN-DEMAND INDUSTRY SECTOR OR OCCU-  
 22          PATION.—

23                 (A) IN GENERAL.—The term “in-demand  
 24                 industry sector or occupation” means—

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) DETERMINATION.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(24) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term “individual with a barrier to em-

1       ployment” means a member of 1 or more of the fol-  
 2       lowing populations:

3               (A) Displaced homemakers.

4               (B) Low-income individuals.

5               (C) Indians, Alaska Natives, and Native  
 6       Hawaiians as defined in section 266.

7               (D) Individuals with disabilities, including  
 8       youth who are individuals with disabilities.

9               (E) Older individuals.

10              (F) Ex-offenders.

11              (G) Homeless individuals (as defined in  
 12       section 41403(6) of the Violence Against  
 13       Women Act of 1994 (42 U.S.C. 14043e-2(6)),  
 14       except that clauses (i)(IV) and (iii) of subpara-  
 15       graph (B) of such section shall not apply); or  
 16       homeless children and youths (as defined in sec-  
 17       tion 725(2) of the McKinney-Vento Homeless  
 18       Assistance Act (42 U.S.C. 11434a(2)), except  
 19       that subparagraph (B)(iv) of such section shall  
 20       not apply).

21              (H) Youth who are in or have aged out of  
 22       the foster care system.

23              (I) Individuals who are English language  
 24       learners, individuals who have low levels of lit-

1           eracy, and individuals facing substantial cul-  
2           tural barriers.

3           (J) Eligible migrant and seasonal farm-  
4           workers, as defined in section 267(i).

5           (K) Individuals within 2 years of exhaust-  
6           ing lifetime eligibility under part A of title IV  
7           of the Social Security Act (42 U.S.C. 601 et  
8           seq.).

9           (L) Single parents (including single preg-  
10          nant women).

11          (M) Such other groups as the Governor in-  
12          volved determines to have barriers to employ-  
13          ment.

14          (25) INDIVIDUAL WITH A DISABILITY.—

15          (A) IN GENERAL.—The term “individual  
16          with a disability” means an individual with a  
17          disability as defined in section 3 of the Ameri-  
18          cans with Disabilities Act of 1990 (42 U.S.C.  
19          12102).

20          (B) INDIVIDUALS WITH DISABILITIES.—

21          The term “individuals with disabilities” means  
22          more than 1 individual with a disability.

23          (26) INDUSTRY OR SECTOR PARTNERSHIP.—

24          The term “industry or sector partnership” means a  
25          workforce collaborative, convened by or acting in

partnership with a State board or local board,  
that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

- 1                   (iii) State boards or local boards, as
- 2                   appropriate;
- 3                   (iv) a State workforce agency or other
- 4                   entity providing employment services;
- 5                   (v) other State or local agencies;
- 6                   (vi) business or trade associations;
- 7                   (vii) economic development organiza-
- 8                   tions;
- 9                   (viii) nonprofit organizations, commu-
- 10                  nity-based organizations, or intermediaries;
- 11                  (ix) philanthropic organizations;
- 12                  (x) industry associations; and
- 13                  (xi) other organizations, as deter-
- 14                  mined to be necessary by the members
- 15                  comprising the industry or sector partner-
- 16                  ship.

17           (27) IN-SCHOOL YOUTH.—The term “in-school  
18   youth” means a youth described in section  
19   229(a)(1)(C).

20           (28) INSTITUTION OF HIGHER EDUCATION.—  
21   The term “institution of higher education” has the  
22   meaning given the term in section 101, and subpara-  
23   graphs (A) and (B) of section 102(a)(1), of the  
24   Higher Education Act of 1965 (20 U.S.C. 1001,  
25   1002(a)(1)).



1           ~~(29)~~ INTEGRATED EDUCATION AND TRAIN-  
 2           ING.—The term “integrated education and training”  
 3           has the meaning given the term in section 303.

4           ~~(30)~~ LABOR MARKET AREA.—The term “labor  
 5           market area” means an economically integrated geo-  
 6           graphic area within which individuals can reside and  
 7           find employment within a reasonable distance or can  
 8           readily change employment without changing their  
 9           place of residence. Such an area shall be identified  
 10          in accordance with criteria used by the Bureau of  
 11          Labor Statistics of the Department of Labor in de-  
 12          fining such areas or similar criteria established by a  
 13          Governor.

14          ~~(31)~~ LITERACY.—The term “literacy” has the  
 15          meaning given the term in section 303.

16          ~~(32)~~ LOCAL AREA.—The term “local area”  
 17          means a local workforce investment area designated  
 18          under section 116, subject to sections  
 19          116(c)(1)(A)(v), 117(c)(4)(B)(i), and 289(i).

20          ~~(33)~~ LOCAL BOARD.—The term “local board”  
 21          means a local workforce development board estab-  
 22          lished under section 117, subject to section  
 23          117(c)(4)(B)(i).

24          ~~(34)~~ LOCAL EDUCATIONAL AGENCY.—The term  
 25          “local educational agency” has the meaning given

the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(35) LOCAL PLAN.—The term “local plan” means a plan submitted under section 118, subject to section 116(e)(1)(A)(v).

(36) LOW-INCOME INDIVIDUAL.—The term “low-income individual” means an individual who—

(A) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); or State or local income-based public assistance;

(B) is in a family with gross income below 150 percent of the poverty line;

(C) is a homeless individual (as defined in section 41403(6) of the Violence Against

1        ~~Women Act of 1994 (42 U.S.C. 14043e-2(6));~~  
 2        ~~except that clauses (i)(IV) and (iii) of subpara-~~  
 3        ~~graph (B) of such section shall not apply); or~~  
 4        ~~a homeless child or youth (as defined under sec-~~  
 5        ~~tion 725(2) of the McKinney-Vento Homeless~~  
 6        ~~Assistance Act (42 U.S.C. 11434a(2)); except~~  
 7        ~~that subparagraph (B)(iv) of such section shall~~  
 8        ~~not apply);~~

9            ~~(D) receives or is eligible to receive a free~~  
 10        ~~or reduced price lunch under the Richard B.~~  
 11        ~~Russell National School Lunch Act (42 U.S.C.~~  
 12        ~~1751 et seq.);~~

13            ~~(E) is a foster child on behalf of whom~~  
 14        ~~State or local government payments are made;~~  
 15        ~~or~~

16            ~~(F) is an individual with a disability whose~~  
 17        ~~own income meets the income requirement of~~  
 18        ~~subparagraph (B); but who is a member of a~~  
 19        ~~family whose income does not meet this require-~~  
 20        ~~ment.~~

21        ~~(37) NONTRADITIONAL EMPLOYMENT.—The~~  
 22        ~~term “nontraditional employment” refers to occupa-~~  
 23        ~~tions or fields of work, for which individuals from~~  
 24        ~~the gender involved comprise less than 25 percent of~~

1 the individuals employed in each such occupation or  
 2 field of work.

3 ~~(38)~~ OFFENDER.—The term “offender” means  
 4 an adult or juvenile—

5 (A) who is or has been subject to any stage  
 6 of the criminal justice process, and for whom  
 7 services under this Act may be beneficial; or

8 (B) who requires assistance in overcoming  
 9 artificial barriers to employment resulting from  
 10 a record of arrest or conviction.

11 ~~(39)~~ OLDER INDIVIDUAL.—The term “older in-  
 12 dividual” means an individual age 55 or older.

13 ~~(40)~~ ONE-STOP CENTER.—The term “one-stop  
 14 center” means a center described in section  
 15 ~~221(c)(2)~~.

16 ~~(41)~~ ONE-STOP OPERATOR.—The term “one-  
 17 stop operator” means 1 or more entities designated  
 18 or certified under section ~~221(d)~~.

19 ~~(42)~~ ONE-STOP PARTNER.—The term “one-stop  
 20 partner” means—

21 (A) an entity described in section  
 22 ~~221(b)(1)~~; and

23 (B) an entity described in section  
 24 ~~221(b)(2)~~ that is participating, with the ap-  
 25 proval of the local board and chief elected offi-

1           cial, in the operation of a one-stop delivery sys-  
2           tem.

3           ~~(43) ONE-STOP PARTNER PROGRAM.~~—The term  
4           “one-stop partner program” means a program or ac-  
5           tivities described in section 221(b) of a one-stop  
6           partner.

7           ~~(44) ON-THE-JOB TRAINING.~~—The term “on-  
8           the-job training” means training by an employer  
9           that is provided to a paid participant while engaged  
10          in productive work in a job that—

11               (A) provides knowledge or skills essential  
12               to the full and adequate performance of the job;

13               (B) is made available through a program  
14               that provides reimbursement to the employer of  
15               up to 50 percent of the wage rate of the partici-  
16               pant, except as provided in section  
17               234(e)(4)(H), for the extraordinary costs of  
18               providing the training and additional super-  
19               vision related to the training; and

20               (C) is limited in duration as appropriate to  
21               the occupation for which the participant is  
22               being trained; taking into account the content  
23               of the training; the prior work experience of the  
24               participant; and the service strategy of the par-  
25               ticipant, as appropriate.

1           (45) ~~OUTLYING AREA.~~—The term “outlying  
2       area” means—

3                     (A) ~~American Samoa, Guam, the Common-~~  
4                     wealth of the Northern Mariana Islands, the  
5                     United States Virgin Islands; and

6                     (B) ~~the Republic of Palau, except during~~  
7                     any period for which the Secretary of Labor  
8                     and the Secretary of Education determine that  
9                     a Compact of Free Association is in effect and  
10                    contains provisions for training and education  
11                    assistance prohibiting the assistance provided  
12                    under this Act.

13           (46) ~~OUT-OF-SCHOOL YOUTH.~~—The term “out-  
14       of-school youth” means a youth described in section  
15       229(a)(1)(B).

16           (47) ~~PLANNING REGION.~~—The term “planning  
17       region” means a planning region as described in sec-  
18       tion 116(c)(1)(A)(ii)(II).

19           (48) ~~POVERTY LINE.~~—The term “poverty line”  
20       means the poverty line (as defined by the Office of  
21       Management and Budget, and revised annually in  
22       accordance with section 672(2) of the Community  
23       Services Block Grant Act (42 U.S.C. 9902(2))) ap-  
24       plicable to a family of the size involved.

1           (49) PUBLIC ASSISTANCE.—The term “public  
2           assistance” means Federal, State, or local govern-  
3           ment cash payments for which eligibility is deter-  
4           mined by a needs or income test.

5           (50) RAPID RESPONSE ACTIVITY.—The term  
6           “rapid response activity” means an activity provided  
7           by a State, or by an entity designated by a State,  
8           with funds provided by the State under section  
9           234(a)(1)(A), in the case of a permanent closure or  
10          mass layoff at a plant, facility, or enterprise, or a  
11          natural or other disaster, that results in mass job  
12          dislocation, in order to assist dislocated workers in  
13          obtaining reemployment as soon as possible, with  
14          services including—

15                (A) the establishment of onsite contact  
16                with employers and employee representatives—

17                   (i) immediately after the State is noti-  
18                   fied of a current or projected permanent  
19                   closure or mass layoff; or

20                   (ii) in the case of a disaster, imme-  
21                   diately after the State is made aware of  
22                   mass job dislocation as a result of such  
23                   disaster;

1           (B) the provision of information on and ac-  
 2           cess to available employment and training ac-  
 3           tivities;

4           (C) assistance in establishing a labor-man-  
 5           agement committee, voluntarily agreed to by  
 6           labor and management, with the ability to de-  
 7           vise and implement a strategy for assessing the  
 8           employment and training needs of dislocated  
 9           workers and obtaining services to meet such  
 10          needs;

11          (D) the provision of emergency assistance  
 12          adapted to the particular closure, layoff, or dis-  
 13          aster; and

14          (E) the provision of assistance to the local  
 15          community in developing a coordinated response  
 16          and in obtaining access to State economic devel-  
 17          opment assistance.

18          (51) ~~RECOGNIZED POSTSECONDARY CREDEN-~~  
 19          ~~TIAL.~~—The term “recognized postsecondary creden-  
 20          tial” means a credential consisting of an industry-  
 21          recognized certificate or certification; a certificate of  
 22          completion of an apprenticeship; a license recognized  
 23          by the State involved or Federal Government, or an  
 24          associate or baccalaureate degree.



1           (52) REGION.—The term “region”, used with-  
 2           out further description, means a region identified  
 3           under section 116(e), subject to section  
 4           117(a)(4)(B)(i).

5           (53) SCHOOL DROPOUT.—The term “school  
 6           dropout” means an individual who is no longer at-  
 7           tending any school and who has not received a sec-  
 8           ondary school diploma or its recognized equivalent.

9           (54) SECONDARY SCHOOL.—The term “sec-  
 10          ondary school” has the meaning given the term in  
 11          section 9101 of the Elementary and Secondary Edu-  
 12          cation Act of 1965 (20 U.S.C. 7801).

13          (55) STATE.—The term “State” means each of  
 14          the several States of the United States, the District  
 15          of Columbia, and the Commonwealth of Puerto Rico.

16          (56) STATE BOARD.—The term “State board”  
 17          means a State workforce development board estab-  
 18          lished under section 111.

19          (57) STATE PLAN.—The term “State plan”,  
 20          used without further description, means a unified  
 21          plan under section 112 or a combined plan under  
 22          section 113.

23          (58) SUPPORTIVE SERVICES.—The term “sup-  
 24          portive services” means services such as transpor-  
 25          tation, child care, dependent care, housing, and

1 needs-related payments, that are necessary to enable  
 2 an individual to participate in activities authorized  
 3 under this Act.

4 (59) TRAINING SERVICES.—The term “training  
 5 services” means services described in section  
 6 234(c)(4).

7 (60) UNEMPLOYED INDIVIDUAL.—The term  
 8 “unemployed individual” means an individual who is  
 9 without a job and who wants and is available for  
 10 work. The determination of whether an individual is  
 11 without a job, for purposes of this paragraph, shall  
 12 be made in accordance with the criteria used by the  
 13 Bureau of Labor Statistics of the Department of  
 14 Labor in defining individuals as unemployed.

15 (61) UNIT OF GENERAL LOCAL GOVERN-  
 16 MENT.—The term “unit of general local govern-  
 17 ment” means any general purpose political subdivi-  
 18 sion of a State that has the power to levy taxes and  
 19 spend funds, as well as general corporate and police  
 20 powers.

21 (62) VETERAN; RELATED DEFINITION.—

22 (A) VETERAN.—The term “veteran” has  
 23 the meaning given the term in section 101 of  
 24 title 38, United States Code.

1           (B) ~~RECENTLY SEPARATED VETERAN.—~~

2           The term “recently separated veteran” means  
3           any veteran who applies for participation under  
4           this Act within 48 months after the discharge  
5           or release from active military, naval, or air  
6           service.

7           (63) ~~VOCATIONAL REHABILITATION PRO-~~  
8           GRAM.—The term “vocational rehabilitation pro-  
9           gram” means a program authorized under a provi-  
10          sion described in paragraph (12)(D).

11          (64) ~~WORKFORCE DEVELOPMENT ACTIVITY.—~~  
12          The term “workforce development activity” means  
13          an activity carried out through a workforce develop-  
14          ment program.

15          (65) ~~WORKFORCE DEVELOPMENT PROGRAM.—~~  
16          The term “workforce development program” means  
17          a program made available through a workforce de-  
18          velopment system.

19          (66) ~~WORKFORCE DEVELOPMENT SYSTEM.—~~  
20          The term “workforce development system” means a  
21          system that makes available the core programs, the  
22          other one-stop partner programs, and any other pro-  
23          grams providing employment and training services  
24          as identified by a State board or local board.

1           (67) ~~WORKFORCE INVESTMENT ACTIVITY.~~—The  
 2       term “workforce investment activity” means an em-  
 3       ployment and training activity, and a youth work-  
 4       force investment activity.

5           (68) ~~WORKFORCE PREPARATION ACTIVITIES.~~—  
 6       The term “workforce preparation activities” has the  
 7       meaning given the term in section 303.

8           (69) ~~WORKPLACE LEARNING ADVISOR.~~—The  
 9       term “workplace learning advisor” means an indi-  
 10      vidual employed by an organization who has the  
 11      knowledge and skills necessary to advise other em-  
 12      ployees of that organization about the education,  
 13      skill development, job training, career counseling  
 14      services, and credentials, including services provided  
 15      through the workforce development system, required  
 16      to progress toward career goals of such employees in  
 17      order to meet employer requirements related to job  
 18      openings and career advancements that support eco-  
 19      nomic self-sufficiency.

20          (70) ~~YOUTH WORKFORCE INVESTMENT ACTIV-~~  
 21      ~~ITY.~~—The term “youth workforce investment activ-  
 22      ity” means an activity described in section 229 that  
 23      is carried out for eligible youth (or as described in  
 24      section 229(a)(3)(A)).

# 1     **Subtitle A—Workforce Boards and** 2                                     **Plans**

## 3                     **CHAPTER 1—STATE PROVISIONS**

### 4     **SEC. 111. STATE WORKFORCE DEVELOPMENT BOARDS.**

5             ~~(a) IN GENERAL.~~—The Governor of a State shall es-  
6     tablish a State workforce development board to carry out  
7     the functions described in subsection ~~(d)~~.

8             ~~(b) MEMBERSHIP.~~—

9                     ~~(1) IN GENERAL.~~—The State board shall in-  
10    clude—

11                         ~~(A)~~ the Governor;

12                         ~~(B)~~ 2 members of each chamber of the  
13    State legislature ~~(to the extent consistent with~~  
14    State law), appointed by the appropriate pre-  
15    siding officers of such chamber; and

16                         ~~(C)~~ members appointed by the Governor,  
17    of which—

18                             ~~(i)~~ a majority shall be representatives  
19    of businesses in the State, who—

20                                 ~~(I)~~ are owners of businesses;  
21                                     chief executives or operating officers  
22                                     of businesses; or other business execu-  
23                                     tives or employers with optimum pol-  
24                                     icymaking or hiring authority; and  
25                                     who, in addition, may be members of

1 a local board described in section  
 2 117(b)(2)(A)(i);

3 ~~(II)~~ represent businesses (includ-  
 4 ing small businesses), or organizations  
 5 representing businesses described in  
 6 this subclause, that provide employ-  
 7 ment opportunities that, at a min-  
 8 imum, will provide clear and acces-  
 9 sible career pathways, and include  
 10 high-quality, work-relevant training  
 11 and development in in-demand indus-  
 12 try sectors or occupations in the  
 13 State; and

14 ~~(III)~~ are appointed from among  
 15 individuals nominated by State busi-  
 16 ness organizations and business trade  
 17 associations;

18 ~~(ii)~~ not less than 20 percent shall be  
 19 representatives of the workforce within the  
 20 State, who—

21 ~~(I)~~ shall include representatives  
 22 of labor organizations, who have been  
 23 nominated by State labor federations;

24 ~~(II)~~ may include representatives  
 25 of community-based organizations

1 that have demonstrated experience  
2 and expertise in addressing the em-  
3 ployment, training, or education needs  
4 of individuals with barriers to employ-  
5 ment, including organizations that  
6 serve veterans or that provide or sup-  
7 port competitive, integrated employ-  
8 ment for individuals with disabilities;  
9 and

10 (III) may include representatives  
11 of organizations that have dem-  
12 onstrated experience and expertise in  
13 addressing the employment, training  
14 or education needs of eligible youth,  
15 including representatives of organiza-  
16 tions that serve out-of-school youth;  
17 and

18 (iii) the balance—

19 (I) shall include representatives  
20 of government, who—

21 (aa) shall include the lead  
22 State officials with primary re-  
23 sponsibility for the core pro-  
24 grams; and

1 (bb) shall include chief elect-  
2 ed officials (collectively rep-  
3 resenting both cities and coun-  
4 ties, where appropriate);

5 (II) shall include a representa-  
6 tive, either an employer, a member of  
7 a labor organization, or a staff direc-  
8 tor, from a joint labor-management  
9 apprenticeship program, or if no such  
10 joint program exists in the State, a  
11 representative of an apprenticeship  
12 program in the State; and

13 (III) may include such other rep-  
14 resentatives and officials as the Gov-  
15 ernor may designate, such as the  
16 State agency officials from agencies  
17 that are one-stop partners not speci-  
18 fied in subclause (I) (including addi-  
19 tional one-stop partners whose pro-  
20 grams are covered by the State plan,  
21 if any); and State agency officials re-  
22 sponsible for economic development or  
23 juvenile justice programs in the State,  
24 individuals who represent an Indian  
25 tribe or tribal organization, as such



1 terms are defined in section 266(b);  
 2 and State agency officials responsible  
 3 for education programs in the State;  
 4 including chief executive officers of  
 5 community colleges and other institu-  
 6 tions of higher education.

7 (2) DIVERSE AND DISTINCT REPRESENTA-  
 8 TION.—The members of the State board shall rep-  
 9 resent diverse geographic areas of the State, includ-  
 10 ing urban, rural, and suburban areas.

11 (3) NO REPRESENTATION OF MULTIPLE CAT-  
 12 EGORIES.—No person shall serve as a member for  
 13 more than 1 of—

14 (A) the category described in paragraph  
 15 (1)(C)(i); or

16 (B) 1 category described in a subclause of  
 17 clause (ii) or (iii) of paragraph (1)(C).

18 (c) CHAIRPERSON.—The Governor shall select a  
 19 chairperson for the State board from among the represent-  
 20 atives described in subsection (b)(1)(C)(i).

21 (d) FUNCTIONS.—The State board shall assist the  
 22 Governor in—

23 (1) the development, implementation, and modi-  
 24 fication of the State plan, including the periodic as-

1        assessment and development of recommendations re-  
2        garding the implementation of the State plan;

3            ~~(2)~~ consistent with paragraph ~~(1)~~, the review of  
4        statewide policies and programs and development of  
5        recommendations on actions that should be taken by  
6        the State to align core programs and other programs  
7        in the State in a manner that supports a comprehen-  
8        sive State workforce development system that will  
9        result in meeting the workforce needs of the State,  
10       its regions, and its local areas;

11           ~~(3)~~ the review of and provision of comments on  
12        the State plans, if any, for activities and programs  
13        of one-stop partners that are not core programs, in  
14        order to provide strategic leadership and to align to  
15        the extent practicable such non-core programs with  
16        the core programs, and with the strategy described  
17        in the State plan under section 112 or 113;

18           ~~(4)~~ the development of guidance for the imple-  
19        mentation and continuous improvement of a work-  
20        force development system within the State that in-  
21        cludes guidance on—

22            ~~(A)~~ the identification of and means for re-  
23            moving barriers to coordination of, alignment  
24            of, and nonduplication among the programs and  
25            activities carried out through the system;

1           (B) the development of career pathways by  
2           using workforce development programs aligned  
3           for the purpose of providing individuals, includ-  
4           ing low-skilled adults and youth, with the em-  
5           ployment, training, education, and supportive  
6           services the individuals need to attain the nec-  
7           essary credentials to secure and advance in em-  
8           ployment;

9           (C) the development and expansion of  
10          strategies for meeting the needs of workers and  
11          jobseekers, and employers, including industry or  
12          sector partnership initiatives relating to in-de-  
13          mand industry sectors and occupations;

14          (D) coordinating planning between the  
15          local boards and State entities carrying out rel-  
16          evant State-administered programs;

17          (E) the identification of regions, including  
18          planning regions, for the purposes of section  
19          116(c), after consultation with local boards and  
20          chief elected officials;

21          (F) the provision of technical assistance to  
22          local boards, one-stop partners, one-stop opera-  
23          tors, and providers, as appropriate, in local  
24          areas concerning planning and delivering serv-  
25          ices;

1           (G) strategies to support staff training and  
2           awareness across programs supported under  
3           workforce development systems in local areas;  
4           and

5           (H) the design and implementation of in-  
6           take and case management information systems  
7           (including common intake, case management,  
8           performance tracking, and reporting systems),  
9           and how local input will be incorporated into  
10          such design and implementation, to improve co-  
11          ordination of services across workforce develop-  
12          ment programs;

13          (5) the development and update of comprehen-  
14          sive State performance accountability measures, in-  
15          cluding State adjusted levels of performance, to as-  
16          sess the effectiveness of the core programs in the  
17          State as required under subtitle B;

18          (6) the identification and dissemination of in-  
19          formation on best practices, including best practices  
20          for—

21               (A) the effective operation of one-stop cen-  
22               ters, relating to the use of business outreach,  
23               partnerships, and service delivery strategies (in-  
24               cluding strategies for effectively serving individ-  
25               uals with barriers to employment); and other

1 practices relevant to workforce development;  
2 and

3 (B) the development of effective local  
4 boards, which may include information on those  
5 factors that contribute to enabling local boards  
6 to exceed negotiated levels of performance, sus-  
7 tain fiscal integrity, and achieve other measures  
8 of effectiveness;

9 (7) the development and review of statewide  
10 policies affecting the coordinated provision of serv-  
11 ices through the State's one-stop delivery system de-  
12 scribed in section 221(e), including—

13 (A) the development of objective criteria  
14 and procedures for use by local boards in as-  
15 sessing the effectiveness and continuous im-  
16 provement of one-stop centers described in such  
17 section;

18 (B) the development of guidance for the al-  
19 location of one-stop center infrastructure funds  
20 under section 221(h);

21 (C) the development of—

22 (i) statewide policies relating to the  
23 appropriate roles and contributions of enti-  
24 ties carrying out one-stop partner pro-  
25 grams within the one-stop delivery system;

1 including approaches to facilitating equi-  
2 table and efficient cost allocation in the  
3 one-stop delivery system;

4 (ii) strategies for providing effective  
5 outreach to and improved access for indi-  
6 viduals and employers who could benefit  
7 from services provided through the one-  
8 stop delivery system;

9 (iii) strategies for technological im-  
10 provements to facilitate access to, and im-  
11 prove the quality of, services provided  
12 through the one-stop delivery system (in-  
13 cluding access for individuals with disabil-  
14 ities and individuals residing in remote  
15 areas); which strategies may be utilized  
16 throughout the State; and

17 (iv) strategies for aligning technology  
18 and data systems across one-stop partner  
19 programs; to enhance service delivery and  
20 improve efficiencies in reporting on per-  
21 formance accountability measures; and

22 (D) the development of such other policies  
23 as may promote statewide objectives for, and  
24 enhance the performance of, the one-stop deliv-  
25 ery system;

1           ~~(8) the development of allocation formulas for~~  
 2           ~~the distribution of funds for employment and train-~~  
 3           ~~ing activities for adults, and youth workforce invest-~~  
 4           ~~ment activities, to local areas as permitted under~~  
 5           ~~sections 228(b)(3) and 233(b)(3);~~

6           ~~(9) the preparation of the annual reports de-~~  
 7           ~~scribed in paragraphs (1) and (2) of section 131(d);~~  
 8           ~~and~~

9           ~~(10) the development of the statewide workforce~~  
 10          ~~and labor market information system described in~~  
 11          ~~section 15(e) of the Wagner-Peyser Act (29 U.S.C.~~  
 12          ~~491-2(e)).~~

13          ~~(c) ALTERNATIVE ENTITY.—~~

14          ~~(1) IN GENERAL.—For the purposes of com-~~  
 15          ~~plying with subsections (a), (b), and (c), a State~~  
 16          ~~may use any State entity (including a State council,~~  
 17          ~~State workforce development board (within the~~  
 18          ~~meaning of the Workforce Investment Act of 1998),~~  
 19          ~~combination of regional workforce development~~  
 20          ~~boards, or similar entity) that—~~

21                 ~~(A) was in existence on the day before the~~  
 22                 ~~date of enactment of the Workforce Investment~~  
 23                 ~~Act of 1998;~~

1           ~~(B)~~ is substantially similar to the State  
 2           board described in subsections (a) through (e);  
 3           and

4           ~~(C)~~ includes representatives of business in  
 5           the State and representatives of labor organiza-  
 6           tions in the State.

7           ~~(2) REFERENCES.—~~A reference in this Act, or  
 8           a core program provision that is not in this Act, to  
 9           a State board shall be considered to include such an  
 10          entity.

11          ~~(f) CONFLICT OF INTEREST.—~~A member of a State  
 12          board may not—

13               ~~(1)~~ vote on a matter under consideration by the  
 14          State board—

15                       ~~(A)~~ regarding the provision of services by  
 16                       such member (or by an entity that such mem-  
 17                       ber represents); or

18                       ~~(B)~~ that would provide direct financial  
 19                       benefit to such member or the immediate family  
 20                       of such member; or

21               ~~(2)~~ engage in any other activity determined by  
 22           the Governor to constitute a conflict of interest as  
 23           specified in the State plan.

24          ~~(g) SUNSHINE PROVISION.—~~The State board shall  
 25          make available to the public, on a regular basis through



1 open meetings, information regarding the activities of the  
 2 State board, including information regarding the State  
 3 plan, or a modification to the State plan, prior to submis-  
 4 sion of the plan or modification of the plan, respectively,  
 5 information regarding membership, and, on request, min-  
 6 utes of formal meetings of the State board.

7 (h) **AUTHORITY TO HIRE STAFF.**—

8 (1) **IN GENERAL.**—The State board may hire a  
 9 director and other staff to assist in carrying out the  
 10 functions described in subsection (d) using funds  
 11 available as described in section 229(b)(2) or  
 12 234(a)(3)(B)(i).

13 (2) **LIMITATION ON RATE.**—The director and  
 14 staff described in paragraph (1) shall be subject to  
 15 the limitations on the payment of salary and bo-  
 16 nuses described in section 294(15).

17 **SEC. 112. UNIFIED STATE PLAN.**

18 (a) **PLAN.**—For a State to be eligible to receive allot-  
 19 ments for the core programs, the Governor shall submit  
 20 to the Secretary of Labor and the Secretary of Education  
 21 for consideration by the Secretaries, a unified State plan.  
 22 The unified State plan shall outline a 4-year strategy for  
 23 the core programs of the State and meet the requirements  
 24 of this section.

25 (b) **CONTENTS.**—

1           ~~(1)~~ STRATEGIC PLANNING ELEMENTS.—The  
2 unified State plan shall include strategic planning  
3 elements consisting of—

4                   ~~(A)~~ an analysis of the economic conditions  
5 in the State, including—

6                           ~~(i)~~ existing and emerging in-demand  
7 industry sectors and occupations; and

8                           ~~(ii)~~ the employment needs of employ-  
9 ers in those industries and occupations;

10                   ~~(B)~~ an analysis of the knowledge and skills  
11 needed to meet the employment needs of the  
12 employers in the State, including employment  
13 needs in in-demand industry sectors and occu-  
14 pations;

15                   ~~(C)~~ an analysis of the workforce in the  
16 State, including current labor force employment  
17 and unemployment data, and information on  
18 labor market trends, and the educational and  
19 skill levels of the workforce, including individ-  
20 uals with barriers to employment (including in-  
21 dividuals with disabilities);

22                   ~~(D)~~ an analysis of the workforce develop-  
23 ment activities (including education and train-  
24 ing) in the State, including an analysis of the  
25 strengths and weaknesses of such services, and

the capacity of State entities to provide such services, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(E) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 131(b)(2)(A), in order to support economic growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (E).

(2) OPERATIONAL PLANNING ELEMENTS.—

(A) IN GENERAL.—The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(F).

1           (B) IMPLEMENTATION OF STATE STRAT-  
2 EGY.—The unified State plan shall describe  
3 how the lead State agency with responsibility  
4 for the administration of a core program will  
5 implement the strategy described in paragraph  
6 (1)(F), including a description of—

7           (i) the activities that will be funded by  
8 the entities carrying out the respective pro-  
9 grams to implement the strategy and how  
10 such activities will be aligned across the  
11 programs and among the entities admin-  
12 istering the programs;

13          (ii) how the activities described in  
14 clause (i) will be aligned with activities  
15 provided under employment, training, edu-  
16 cation, including career and technical edu-  
17 cation, and human services programs not  
18 covered by the plan, as appropriate, to as-  
19 sist in implementing the strategy, includ-  
20 ing coordinating intake, eligibility deter-  
21 minations, and assessment activities;

22          (iii)(I) how the entities carrying out  
23 the respective core programs will coordi-  
24 nate activities to provide comprehensive,  
25 high-quality services to individuals, includ-

1 ing using co-enrollment and other strate-  
2 gies;

3 (II) how the entities carrying out the  
4 programs under title II or under the Wag-  
5 ner-Peyser Act (29 U.S.C. 49 et seq.) will  
6 provide employment-related services or  
7 training-related services to individuals re-  
8 ceiving education services under title III or  
9 vocational rehabilitation services under  
10 title I of the Rehabilitation Act of 1973  
11 (29 U.S.C. 720 et seq.); other than section  
12 112 or part C of that title (29 U.S.C. 732,  
13 741); and how the entities carrying out  
14 adult education and literacy activities  
15 under title III or programs of such voca-  
16 tional rehabilitation services will provide  
17 education services or vocational rehabilita-  
18 tion services to individuals receiving em-  
19 ployment-related services or training-re-  
20 lated services under title II or under the  
21 Wagner-Peyser Act; and

22 (III) how the entities carrying out  
23 programs serving youth under title II will  
24 carry out the programs in collaboration  
25 with entities carrying out activities under

1 title III and entities carrying out programs  
2 of such vocational rehabilitation services;

3 (iv) how the entities carrying out the  
4 respective programs will develop and imple-  
5 ment career pathways and education (of-  
6 fered concurrently with and in the same  
7 context as workforce preparation activities  
8 and training for a specific occupation or  
9 occupational cluster); including how such  
10 pathways and education will be made avail-  
11 able to individuals with disabilities;

12 (v) how the State's strategy will en-  
13 gage the State's community colleges and  
14 area career and technical education schools  
15 as partners in the workforce development  
16 system and enable the State to leverage  
17 other Federal, State, and local investments  
18 that have enhanced capacity and access to  
19 workforce development programs at those  
20 institutions;

21 (vi) how the entities carrying out the  
22 respective programs will strengthen the  
23 provision of support services through co-  
24 ordination of activities with Federal, State,  
25 and local providers of such services; in

1 order to facilitate increased participation  
2 and persistence of individuals in employ-  
3 ment, education, and training programs;

4 (vii) how technology will be used,  
5 through distance education and other  
6 methods, by entities carrying out the re-  
7 spective programs to provide education and  
8 training activities, activities to enhance  
9 digital literacy skills (as defined in section  
10 202 of the Museum and Library Services  
11 Act (20 U.S.C. 9101); referred to in this  
12 Act as “digital literacy skills”) and accel-  
13 erate the acquisition of skills and recog-  
14 nized postsecondary credentials by partici-  
15 pants, and activities to strengthen the pro-  
16 fessional development of providers and  
17 workforce professionals, and how the enti-  
18 ties will ensure such technology is acces-  
19 sible to individuals with disabilities;

20 (viii) the methods used for joint plan-  
21 ning and coordination of the core pro-  
22 grams;

23 (ix) how the State will assess the over-  
24 all effectiveness of the workforce invest-  
25 ment system in the State; and

(x) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State.

(C) STATE OPERATING SYSTEMS AND POLICIES.—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(F), including a description of—

(i) State actions to assist local boards, one-stop partners, and one-stop operators, as appropriate, in local areas, in developing, refining, changing, or otherwise implementing the one-stop delivery system in those areas, including assisting with training and establishing qualifications for one-stop delivery system staff and members of local boards, and how such actions will ensure effective delivery of services to workers, jobseekers, and employers;

(ii) the State board, including the activities conducted to train and develop members of the State board and the staff of such board to carry out the functions of



1 the State board effectively (but funds for  
2 such activities may not be used for long-  
3 distance travel expenses for training or de-  
4 velopment activities available locally or re-  
5 gionally);

6 (iii) the common data collection and  
7 reporting processes used for the one-stop  
8 partner programs in the system;

9 (iv)(I) how the respective core pro-  
10 grams will be assessed each year, including  
11 an assessment of the quality, effectiveness,  
12 and improvement of programs (analyzed by  
13 local area, or by provider), based on State  
14 performance accountability measures de-  
15 scribed in section 131(b); and

16 (II) how other one-stop partner pro-  
17 grams will be assessed each year;

18 (v) the results of an assessment of the  
19 effectiveness of the core programs and  
20 other one-stop partner programs during  
21 the preceding 2-year period;

22 (vi) the methods and factors the State  
23 will use in distributing funds under the  
24 core programs, in accordance with the pro-  
25 visions authorizing such distributions;

1           (vii)(I) how the lead State agencies  
2           with responsibility for the administration  
3           of the core programs will align and inte-  
4           grate available workforce and education  
5           data on core programs; unemployment in-  
6           surance programs; and education through  
7           postsecondary education;

8           (II) how such agencies will use the  
9           system to assess the progress of partici-  
10          pants that are exiting core programs in en-  
11          tering, persisting in, and completing post-  
12          secondary education; or entering or re-  
13          maining in employment; and

14          (III) the privacy safeguards incor-  
15          porated in such system, including safe-  
16          guards required by section 444 of the Gen-  
17          eral Education Provisions Act (20 U.S.C.  
18          1232g) and other applicable Federal laws;

19          (viii) how the entity carrying out a  
20          core program will carry out the activities  
21          to provide outreach to populations, includ-  
22          ing youth; and individuals with barriers to  
23          employment (including youth with disabil-  
24          ities and other individuals with disabil-

ities), who can benefit from one-stop partner programs;

(ix) how the State will implement the priority of service provisions for veterans in accordance with the requirements of section 4215 of title 38, United States Code;

(x) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 288 and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities;

(xi) how the State will assist local boards, one-stop partners, and one-stop operators in implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under the Act and programs carried out by one-stop part-

ners; that includes common intake information and procedures for sharing participant demographic and contact information in order to prevent duplication of data collection and promote access to the array of services for which participants are eligible; and

(xii) such other operational planning elements as the Secretary of Labor and Secretary of Education determine to be necessary for effective State operating systems and policies.

~~(D) PROGRAM-SPECIFIC REQUIREMENTS.—~~

The unified State plan shall include—

(i) with respect to activities carried out under title II, a description of—

(I) State policies or guidance, for the statewide workforce development system;

(II) the State's policies and strategies for use of State funds for workforce investment activities;

(III) the local areas designated in the State, including the process used for designating local areas; and the

1 process used for identifying any plan-  
2 ning regions under section 116(e), in-  
3 cluding a description of how the State  
4 consulted with the local boards and  
5 chief elected officials in determining  
6 the planning regions;

7 (IV) the appeals process referred  
8 to in section 116(a)(4) relating to des-  
9 ignation of local areas;

10 (V) the appeal process referred to  
11 in section 221(h)(2)(E), relating to  
12 determinations for infrastructure  
13 funding; and

14 (VI) with respect to youth work-  
15 force investment activities authorized  
16 in section 229, information identifying  
17 the criteria to be used by local boards  
18 in awarding grants for youth work-  
19 force investment activities, including  
20 criteria that the Governor and local  
21 boards will use to identify effective  
22 and ineffective youth workforce invest-  
23 ment activities and providers of such  
24 activities;

1                   (ii) with respect to activities carried  
2 out under title III, a description of—

3                   (I) how the eligible agency will, if  
4 applicable, align content standards for  
5 adult education with State adopted  
6 standards for college and career readi-  
7 ness;

8                   (II) how the State will fund local  
9 activities using considerations speci-  
10 fied in section 331(e) for—

11                   (aa) activities under section  
12 331(b);

13                   (bb) programs for correc-  
14 tions education under section  
15 325;

16                   (cc) programs for integrated  
17 English literacy and civics edu-  
18 cation under section 343; and

19                   (dd) integrated education  
20 and training;

21                   (III) how the State will use the  
22 funds to carry out activities under  
23 section 323;

24                   (IV) how the eligible agency will  
25 provide technical assistance and use

1 incentives and sanctions to improve el-  
2 igible provider performance; and

3 (V) how the eligible agency will  
4 assess the quality of providers of adult  
5 education and literacy activities under  
6 title III and take actions to improve  
7 such quality, including providing the  
8 activities described in section  
9 323(a)(1)(B);

10 (iii) with respect to programs carried  
11 out under title I of the Rehabilitation Act  
12 of 1973 (29 U.S.C. 720 et seq.); other  
13 than section 112 or part C of that title (29  
14 U.S.C. 732, 741); the information de-  
15 scribed in section 101(a) of that Act (29  
16 U.S.C. 721(a)); and

17 (iv) information on such additional  
18 specific requirements for a program ref-  
19 erenced in any of clauses (i) through (iii)  
20 or the Wagner-Peyser Act (29 U.S.C. 49  
21 et seq.) as the Secretary of Labor and the  
22 Secretary of Education determine are nec-  
23 essary to administer that program but can-  
24 not reasonably be applied across all such  
25 programs.

1           (E) ASSURANCES.—The unified State plan  
2 shall include assurances—

3           (i) that the State has established a  
4 policy identifying circumstances that may  
5 present a conflict of interest for a State  
6 board or local board member, or the entity  
7 or class of officials that the member rep-  
8 resents, and procedures to resolve such  
9 conflicts;

10          (ii) that the State has established a  
11 policy to provide to the public (including  
12 individuals with disabilities) access to  
13 meetings of State boards and local boards,  
14 and information regarding activities of  
15 State boards and local boards, such as  
16 data on board membership and minutes;

17          (iii)(I) that the lead State agencies  
18 with responsibility for the administration  
19 of core programs reviewed and commented  
20 on the appropriate operational planning  
21 elements of the unified State plan, and ap-  
22 proved the elements as serving the needs of  
23 the populations served by such programs;  
24 and



1           (H) that the State obtained input into  
2           the development of the unified State plan  
3           and provided an opportunity for comment  
4           on the plan by representatives of local  
5           boards and chief elected officials, busi-  
6           nesses, labor organizations, institutions of  
7           higher education, other primary stake-  
8           holders, and the general public and that  
9           the unified State plan is available and ac-  
10          cessible to the general public;

11          (iv) that the State has established, in  
12          accordance with section 131(i), fiscal con-  
13          trol and fund accounting procedures that  
14          may be necessary to ensure the proper dis-  
15          bursement of, and accounting for, funds  
16          paid to the State through allotments made  
17          for adult, dislocated worker, and youth  
18          programs to carry out workforce invest-  
19          ment activities under chapters 2 and 3 of  
20          subtitle B of title II;

21          (v) that the State will annually mon-  
22          itor local areas to ensure compliance with  
23          the uniform administrative requirements  
24          under section 284(a)(3);

1           (vi) that the State has taken appro-  
2           priate action to secure compliance with  
3           uniform administrative requirements in  
4           this Act;

5           (vii) that the State has taken the ap-  
6           propriate actions to be in compliance with  
7           section 288;

8           (viii) that the Federal funds received  
9           to carry out a core program will not be ex-  
10          pended for any purpose other than for ac-  
11          tivities authorized with respect to such  
12          funds under that core program;

13          (ix) that the eligible agency under  
14          title III will—

15               (I) expend the funds appro-  
16               priated to carry out that title only in  
17               a manner consistent with fiscal re-  
18               quirements under section 341(a) (re-  
19               garding supplement and not supplant  
20               provisions); and

21               (II) ensure that there is at least  
22               1 eligible provider serving each local  
23               area;

24          (x) that the State will pay an appro-  
25          priate share (as defined by the State

board) of the costs of carrying out subtitle B, from funds made available through each of the core programs; and

(xi) regarding such other matters as the Secretary of Labor and the Secretary of Education determine to be necessary for the administration of the core programs.

(c) PLAN SUBMISSION AND APPROVAL.—

(1) SUBMISSION.—

(A) INITIAL PLAN.—The initial unified State plan under this section (after the date of enactment of this Act) shall be submitted not later than 120 days prior to the commencement of the second full program year after the date of enactment of that Act.

(B) SUBSEQUENT PLANS.—Except as provided in subparagraph (A), a unified State plan shall be submitted not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) APPROVAL.—A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan

described in subsection (b)(2)(D)(iii). The unified State plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) MODIFICATIONS.—

(A) MODIFICATIONS.—At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

(B) APPROVAL.—A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modi-

1           fied unified State plan shall also be subject to  
 2           the approval requirements described in para-  
 3           graph (2).

4           (4) ~~EARLY IMPLEMENTERS.~~—The Secretary of  
 5           Labor and the Secretary of Education shall establish  
 6           a process for approving and may approve unified  
 7           State plans that meet the requirements of this sec-  
 8           tion and are submitted to cover periods commencing  
 9           prior to the second full program year described in  
 10          paragraph (1).

11 **SEC. 113. COMBINED STATE PLAN.**

12          (a) ~~IN GENERAL.~~—

13           (1) ~~AUTHORITY TO SUBMIT PLAN.~~—A State  
 14           may develop and submit to the appropriate Secre-  
 15           taries a combined State plan for the core programs  
 16           and 1 or more of the programs and activities de-  
 17           scribed in paragraph (2) in lieu of submitting 2 or  
 18           more plans, for the programs and activities and the  
 19           core programs.

20           (2) ~~PROGRAMS.~~—The programs and activities  
 21           referred to in paragraph (1) are as follows:

22           (A) ~~Career and technical education pro-~~  
 23           grams authorized under the Carl D. Perkins  
 24           Career and Technical Education Act of 2006  
 25           (20 U.S.C. 2301 et seq.).

1           (B) Programs authorized under part A of  
2 title IV of the Social Security Act (42 U.S.C.  
3 601 et seq.).

4           (C) Programs authorized under section  
5 6(d)(4) of the Food and Nutrition Act of 2008  
6 (7 U.S.C. 2015(d)(4)).

7           (D) Work programs authorized under sec-  
8 tion 6(o) of the Food and Nutrition Act of  
9 2008 (7 U.S.C. 2015(o)).

10          (E) Activities authorized under chapter 2  
11 of title II of the Trade Act of 1974 (19 U.S.C.  
12 2271 et seq.).

13          (F) Activities authorized under chapter 41  
14 of title 38, United States Code.

15          (G) Programs authorized under State un-  
16 employment compensation laws (in accordance  
17 with applicable Federal law).

18          (H) Programs authorized under title V of  
19 the Older Americans Act of 1965 (42 U.S.C.  
20 3056 et seq.).

21          (I) Employment and training activities ear-  
22 ried out by the Department of Housing and  
23 Urban Development.

1           ~~(J)~~ Employment and training activities  
 2           carried out under the Community Services  
 3           Block Grant Act ~~(42 U.S.C. 9901 et seq.)~~.

4           ~~(K)~~ Programs authorized under section  
 5           212 of the Second Chance Act of 2007 ~~(42~~  
 6           ~~U.S.C. 17532)~~.

7           ~~(b)~~ REQUIREMENTS.—

8           ~~(1)~~ IN GENERAL.—The portion of a combined  
 9           plan covering the core programs shall be subject to  
 10          the requirements of section 112 (including section  
 11          112(e)(3)). The portion of such plan covering a pro-  
 12          gram or activity described in subsection (a)(2) shall  
 13          be subject to the requirements, if any, applicable to  
 14          a plan or application for assistance for that program  
 15          or activity, under the Federal law authorizing the  
 16          program or activity. At the election of the State, sec-  
 17          tion 112(e)(3) may apply to that portion.

18          ~~(2)~~ ADDITIONAL SUBMISSION NOT REQUIRED.—  
 19          A State that submits a combined plan that is ap-  
 20          proved under subsection (c) shall not be required to  
 21          submit any other plan or application in order to re-  
 22          ceive Federal funds to carry out the core programs  
 23          or the program or activities described in subsection  
 24          (a)(2) that are covered by the combined plan.

1           ~~(3) COORDINATION.~~—A combined plan shall in-  
2       clude—

3           ~~(A)~~ a description of the methods used for  
4       joint planning and coordination of the core pro-  
5       grams and the other programs and activities  
6       covered by the combined plan; and

7           ~~(B)~~ an assurance that the methods in-  
8       cluded an opportunity for the entities respon-  
9       sible for planning or administering the core pro-  
10      grams and the other programs and activities to  
11      review and comment on all portions of the com-  
12      bined plan.

13      ~~(c) APPROVAL BY THE APPROPRIATE SECRE-~~  
14      ~~TARIES.~~—

15           ~~(1) JURISDICTION.~~—The appropriate Secretary  
16      shall have the authority to approve the cor-  
17      responding portion of a combined plan as described  
18      in subsection ~~(d)~~. On the approval of the appropriate  
19      Secretary, that portion of the combined plan, relat-  
20      ing to a program or activity, shall be implemented  
21      by the State pursuant to that portion of the com-  
22      bined plan, and the Federal law authorizing the pro-  
23      gram or activity.

24           ~~(2) APPROVAL OF CORE PROGRAMS.~~—No por-  
25      tion of the plan relating to a core program shall be



1 implemented until the appropriate Secretary ap-  
 2 proves the corresponding portions of the plan for all  
 3 core programs.

4 ~~(3) TIMING OF APPROVAL.—~~

5 ~~(A) IN GENERAL.—~~Except as provided in  
 6 subparagraphs ~~(B)~~ and ~~(C)~~, a portion of the  
 7 combined State plan covering the core programs  
 8 or a program or activity described in subsection  
 9 ~~(a)(2)~~ shall be considered to be approved by the  
 10 appropriate Secretary at the end of the 90-day  
 11 period beginning on the day the plan is sub-  
 12 mitted.

13 ~~(B) PLAN APPROVED BY 3 OR MORE AP-~~  
 14 ~~PROPRIATE SECRETARIES.—~~If an appropriate  
 15 Secretary other than the Secretary of Labor or  
 16 the Secretary of Education has authority to ap-  
 17 prove a portion of a combined plan, that por-  
 18 tion of the combined plan shall be considered to  
 19 be approved by the appropriate Secretary at the  
 20 end of the 120-day period beginning on the day  
 21 the plan is submitted.

22 ~~(C) DISAPPROVAL.—~~The portion shall not  
 23 be considered to be approved if the appropriate  
 24 Secretary makes a written determination, dur-  
 25 ing the 90-day period ~~(or the 120-day period,~~

for an appropriate Secretary covered by subparagraph (B)); that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law; or the plan is not consistent with the requirements of this section.

(4) SPECIAL RULE.—In paragraph (3), the term “criteria for approval of a plan or application”, with respect to a State and a core program or a program under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretaries regarding State performance accountability measures or State performance measures, as the case may be, including levels of performance.

(d) APPROPRIATE SECRETARY.—In this section, the term “appropriate Secretary” means—

(1) with respect to the portion of a combined plan relating to any of the core programs (including a description, and an assurance concerning that program, specified in subsection (b)(3)), the Secretary of Labor and the Secretary of Education; and

(2) with respect to the portion of a combined plan relating to a program or activity described in subsection (a)(2) (including a description, and an assurance concerning that program or activity, specified in subsection (b)(3)), the head of the Federal agency who exercises plan or application approval authority for the program or activity under the Federal law authorizing the program or activity, or, if there are no planning or application requirements for such program or activity, exercises administrative authority over the program or activity under that Federal law.

## **CHAPTER 2—LOCAL PROVISIONS**

### **SEC. 116. LOCAL WORKFORCE DEVELOPMENT AREAS.**

#### **(a) DESIGNATION OF AREAS.—**

##### **(1) IN GENERAL.—**

(A) PROCESS.—Except as provided in subsection (b), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 227 or 232, the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

(ii) after consultation with chief elected officials and affected local boards; and after consideration of comments received through the public comment process as described in section 112(b)(2)(E)(iii)(H).

(B) CRITERIA.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)), based on criteria consisting of—

(i) the extent to which the areas are consistent with labor market areas in the State;

(ii) the extent to which the areas are consistent with regional economic development areas in the State; and

(iii) whether the areas have available the Federal and non-Federal resources necessary to effectively administer activities under title II and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

1           (C) RULE OF CONSTRUCTION.—For pur-  
 2           poses of subparagraph (B)(ii), the definition of  
 3           the term “region” in section 101 shall not be  
 4           applicable.

5           (2) AUTOMATIC DESIGNATION.—

6           (A) INITIAL PERIOD.—For the second full  
 7           program year that commences after the date of  
 8           enactment of this Act, any area that was des-  
 9           ignated as a local area under section 116 of the  
 10          Workforce Investment Act of 1998, as in effect  
 11          on the day before the date of enactment of this  
 12          Act, and was so designated for the 2-year pe-  
 13          riod preceding that day, shall be designated as  
 14          a local area by the Governor under this sub-  
 15          paragraph—

16                   (i) if such area so requests; and

17                   (ii) if such local area—

18                           (I) performed successfully; and

19                           (II) sustained fiscal integrity.

20          (B) SUBSEQUENT DESIGNATION.—For the  
 21          third full program year that commences after  
 22          the date of enactment of this Act and there-  
 23          after, the Governor shall designate as a local  
 24          area under this subparagraph any area that

was designated as a local area under subparagraph (A)—

(i) if such local area so requests;

(ii) if such local area—

(I) performed successfully; and

(II) sustained fiscal integrity;

and

(iii) in the case of a local area that is part of a consortium of local areas in a planning region under subsection (c), if such local area met each of the following implementation conditions:

(I) Participated in preparing a regional plan under subsection (c)(1)(A)(iv) and in implementing the plan.

(II) Developed and implemented regional service strategies and activities, such as industry and sector-based strategies (including establishment of industry partnerships), in accordance with the regional plan.

(C) DEFINITIONS.—For purposes of this paragraph:

1 (i) PERFORMED SUCCESSFULLY.—The  
2 term “performed successfully”, used with  
3 respect to a local area, means the local  
4 area met or exceeded the adjusted levels of  
5 performance for primary indicators of per-  
6 formance described in section 131(b)(2)(A)  
7 (or, if applicable, core indicators of per-  
8 formance described in section 136(b)(2)(A)  
9 of the Workforce Investment Act of 1998,  
10 as in effect the day before the date of en-  
11 actment of this Act) for each of the last 2  
12 consecutive years for which data are avail-  
13 able preceding the determination of per-  
14 formance under this clause.

15 (ii) SUSTAINED FISCAL INTEGRITY.—  
16 The term “sustained fiscal integrity”, used  
17 with respect to a local area, means that  
18 the Secretary has not made a formal deter-  
19 mination, during either of the last 2 con-  
20 secutive years preceding the determination  
21 regarding such integrity, that either the  
22 grant recipient or the administrative entity  
23 of the area misexpended funds provided  
24 under title II (or, if applicable, title I of  
25 the Workforce Investment Act of 1998 as

1 in effect prior to the effective date of such  
2 title II) due to willful disregard of the re-  
3 quirements of the title involved, gross neg-  
4 ligence, or failure to comply with accepted  
5 standards of administration.

6 ~~(3)~~ DESIGNATION ON RECOMMENDATION OF  
7 STATE BOARD.—The Governor may approve a re-  
8 quest from any unit of general local government (in-  
9 cluding a combination of such units) for designation  
10 as a local area if the State board determines, based  
11 on the factors described in paragraph (1)(B), and  
12 recommends to the Governor, that such area should  
13 be so designated.

14 (4) APPEALS.—A unit of general local govern-  
15 ment (including a combination of such units) or  
16 grant recipient that requests but is not granted des-  
17 ignation of an area as a local area under paragraph  
18 ~~(2)~~ may submit an appeal to the State board under  
19 an appeal process established in the State plan. If  
20 the appeal does not result in such a designation, the  
21 Secretary of Labor, after receiving a request for re-  
22 view from the unit or grant recipient and on deter-  
23 mining that the unit or grant recipient was not ac-  
24 corded procedural rights under the appeal process  
25 described in the State plan, as specified in section



1     ~~112(b)(2)(D)(i), or that the area meets the require-~~  
 2     ~~ments of paragraph (2), may require that the area~~  
 3     ~~be designated as a local area under such paragraph.~~

4     ~~(b) SINGLE STATE LOCAL AREAS.—~~

5             ~~(1) CONTINUATION OF PREVIOUS DESIGNA-~~  
 6     ~~TION.—The Governor of any State that was a single~~  
 7     ~~State local area for purposes of title I of the Work-~~  
 8     ~~force Investment Act of 1998, as in effect on July~~  
 9     ~~1, 2011, may designate the State as a single State~~  
 10    ~~local area for purposes of this title and title II if the~~  
 11    ~~Governor identifies the State as a local area in the~~  
 12    ~~State plan.~~

13            ~~(2) REDESIGNATION.—The Governor of a State~~  
 14    ~~not described in paragraph (1) may designate the~~  
 15    ~~State as a single local area if, prior to the submis-~~  
 16    ~~sion of the State plan or modification to such plan~~  
 17    ~~so designating the State, no local area meeting the~~  
 18    ~~requirements for automatic designation under sub-~~  
 19    ~~section (a)(2) requests such designation as a sepa-~~  
 20    ~~rate local area.~~

21            ~~(3) COMPOSITION OF STATE BOARD.—~~

22                ~~(A) CONTINUATION OF PREVIOUS DES-~~  
 23    ~~IGNATION.—For a State that is designated as a~~  
 24    ~~single State local area under paragraph (1), the~~  
 25    ~~composition of the State board shall—~~

1           (i) be consistent with the composition  
 2           of the State board for such State for pur-  
 3           poses of title I of the Workforce Invest-  
 4           ment Act of 1998, as in effect on the day  
 5           before the date of enactment of this Act;  
 6           or

7           (ii)(I) include the members described  
 8           in subparagraphs (A) and (B) of section  
 9           111(b)(1);

10          (II) include, as a majority of the  
 11          members, the representatives described in  
 12          section 111(b)(1)(C)(i);

13          (III) include, as members other than  
 14          the members described in subparagraphs  
 15          (A), (B), and (C)(i) of section 111(b)(1),  
 16          an equal number of—

17               (aa) representatives described in  
 18               subparagraph (C)(ii) of that section;  
 19               and

20               (bb) representatives described in  
 21               subparagraph (C)(iii) of that section;  
 22               and

23          (IV) include as chairperson an indi-  
 24          vidual elected from among the members  
 25          described in section 111(b)(1)(C)(i).

1                   (B) REDESIGNATION.—For a State that is  
 2                   designated as a single State local area under  
 3                   paragraph (2), the composition of the State  
 4                   board shall be consistent with the requirements  
 5                   described in subparagraph (A)(ii).

6                   (4) EFFECT ON LOCAL PLAN AND LOCAL FUNC-  
 7                   TIONS.—In any case in which a State is designated  
 8                   as a local area pursuant to this subsection, the local  
 9                   plan prepared under section 118 for the area shall  
 10                  be submitted for approval as part of the State plan.  
 11                  In such a State, the State board shall carry out the  
 12                  functions of a local board, as specified in this Act  
 13                  or the provisions authorizing a core program, but  
 14                  the State shall not be required to meet and report  
 15                  on a set of local performance accountability meas-  
 16                  ures.

17                  (c) REGIONAL PLANNING AND SERVICE DELIV-  
 18                  ERY.—

19                   (1) IN GENERAL.—

20                   (A) PLANNING.—

21                   (i) IDENTIFICATION.—Before the first  
 22                   day of the second full program year that  
 23                   commences after the date of enactment of  
 24                   this Act, as part of the process for devel-  
 25                   oping the State plan, a State shall identify

1 regions in the State. The State shall iden-  
 2 tify regions after consultation with the  
 3 local boards and chief elected officials in  
 4 the affected local areas and consistent with  
 5 the criteria described in subsection  
 6 (a)(1)(B).

7 (ii) TYPES OF REGIONS.—For pur-  
 8 poses of this Act, the State shall identify—

9 (I) which regions are comprised  
 10 of 1 local area that is aligned with the  
 11 region; and

12 (II) which regions are comprised  
 13 of 2 or more local areas that are (col-  
 14 lectively) aligned with the region.

15 (iii) PLANNING FOR COOPERATIVE  
 16 INITIATIVES AND ARRANGEMENTS.—In the  
 17 regions comprised of 2 or more local areas,  
 18 the State shall require regional planning,  
 19 including planning for regional service de-  
 20 livery, by local boards in those regions.  
 21 The State shall require the local boards in  
 22 a planning region to participate in a re-  
 23 gional planning process for cooperative ini-  
 24 tiatives and arrangements that result in—

1                   (I) the establishment of regional  
 2                   service strategies and activities, in-  
 3                   cluding service delivery cooperative ar-  
 4                   rangements and regional approaches  
 5                   to address the employment and train-  
 6                   ing needs of individuals with barriers  
 7                   to employment;

8                   (II) as appropriate, the develop-  
 9                   ment and implementation of initia-  
 10                  tives involving in-demand industry  
 11                  sectors or occupations;

12                  (III) the collection and analysis  
 13                  of regional labor market data (in con-  
 14                  junction with the State); and

15                  (IV) the establishment of admin-  
 16                  istrative cost arrangements, as appro-  
 17                  priate.

18                  (iv) REGIONAL PLANS.—The State,  
 19                  after consultation with the local boards  
 20                  and chief elected officials for the planning  
 21                  region, shall require the local boards and  
 22                  officials to collaborate in order to prepare,  
 23                  submit, and obtain approval of a single re-  
 24                  gional plan. Such plan shall include a de-  
 25                  scription of the cooperative initiatives and

1 arrangements developed pursuant to clause  
 2 (iii) and incorporate local plans for each of  
 3 the local areas in the planning region (as  
 4 required under section 118), which shall  
 5 contain strategies that are consistent and  
 6 aligned with each other.

7 (v) REFERENCES.—In this Act, and  
 8 the core program provisions that are not in  
 9 this Act:

10 (I) LOCAL AREA.—Except as pro-  
 11 vided in section 111(d)(8), this sec-  
 12 tion, paragraph (1)(B) or (4) of sec-  
 13 tion 117(c), or section 117(d)(12)(B),  
 14 or in any text that provides an accom-  
 15 panying provision specifically for a  
 16 planning region, the term “local area”  
 17 in a provision includes a reference to  
 18 a planning region for purposes of im-  
 19 plementation of that provision by the  
 20 corresponding local areas in the re-  
 21 gion.

22 (II) LOCAL PLAN.—Except as  
 23 provided in subsection (b)(4) or this  
 24 subsection, the term “local plan” in-  
 25 cludes a reference to the portion of a

1 regional plan developed with respect  
 2 to the corresponding local area within  
 3 the region, and any regionwide provi-  
 4 sion of that plan that impacts or re-  
 5 lates to the local area.

6 ~~(B) ASSISTANCE FOR LOCAL AREAS.—~~

7 (i) ~~IN GENERAL.—~~The State shall  
 8 provide technical assistance and labor mar-  
 9 ket information to local boards in planning  
 10 regions to assist such local boards with re-  
 11 gional planning and subsequent service de-  
 12 livery efforts, and with the alignment of  
 13 programs consistent with the alignment en-  
 14 visioned in the State and local plans.

15 ~~(ii) REDESIGNATION ASSISTANCE.—~~

16 On the request of all of the local areas in  
 17 a planning region, the State shall provide  
 18 funding from funds made available under  
 19 sections 228(a) and 233(a)(1) to assist the  
 20 local areas in carrying out activities to fa-  
 21 cilitate the redesignation of the local areas  
 22 as a single local area.

23 ~~(2) INFORMATION SHARING.—~~The State shall  
 24 require the local boards for a planning region to  
 25 share, consistent with State law, employment statis-

1       ties, information about employment opportunities  
 2       and trends, information about the skill requirements  
 3       of existing and emerging in-demand industry sectors  
 4       and occupations, information on the skills and work-  
 5       force development activities, and any skill or services  
 6       gaps, in the planning region, and other types of in-  
 7       formation that would assist in improving the per-  
 8       formance of all local areas in the planning region on  
 9       the performance accountability measures established  
 10      under section 131(c).

11           (3) COORDINATION OF SERVICES.—The State  
 12      shall require the local boards for a planning region  
 13      to coordinate—

14           (A) the provision of workforce investment  
 15      activities with the activities of the other one-  
 16      stop partner programs, including the provision  
 17      of transportation and other supportive services;  
 18      so that services provided through such pro-  
 19      grams may be provided across the boundaries of  
 20      local areas within the planning region; and

21           (B) the provision of such activities with re-  
 22      gional economic development services and strat-  
 23      egies.

24           (4) INTERSTATE REGIONS.—Two or more  
 25      States that contain an interstate region that is a



1 labor market area, economic development region, or  
 2 other appropriate contiguous subarea of the States  
 3 may designate the area as a planning region for pur-  
 4 poses of this subsection, and jointly exercise the  
 5 State functions described in this Act (including  
 6 paragraphs (1) through (3)).

7 **SEC. 117. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

8 (a) ESTABLISHMENT.—Except as provided in sub-  
 9 section (c)(2)(A), there shall be established, and certified  
 10 by the Governor of the State, a local workforce develop-  
 11 ment board in each local area of a State to carry out the  
 12 functions described in subsection (d) (and any functions  
 13 specified for the local board under this Act or the provi-  
 14 sions establishing a core program) for such area.

15 (b) MEMBERSHIP.—

16 (1) STATE CRITERIA.—The Governor, in part-  
 17 nership with the State board, shall establish criteria  
 18 for use by chief elected officials in the local areas for  
 19 appointment of members of the local boards in such  
 20 local areas in accordance with the requirements of  
 21 paragraph (2).

22 (2) COMPOSITION.—Such criteria shall require  
 23 that, at a minimum—

1           (A) a majority of the members of each  
2           local board shall be representatives of business  
3           in the local area, who—

4                   (i) are owners of businesses, chief ex-  
5                   ecutives or operating officers of businesses,  
6                   or other business executives or employers  
7                   with optimum policymaking or hiring au-  
8                   thority;

9                   (ii) represent businesses, including  
10                  small businesses, or organizations rep-  
11                  resenting businesses described in this  
12                  clause, that provide employment opportuni-  
13                  ties that, at a minimum, will provide clear  
14                  and accessible career pathways, and in-  
15                  clude high-quality, work-relevant training  
16                  and development in in-demand industry  
17                  sectors or occupations in the local area;  
18                  and

19                  (iii) are appointed from among indi-  
20                  viduals nominated by local business organi-  
21                  zations and business trade associations;

22           (B) not less than 20 percent of the mem-  
23           bers of each local board shall be representatives  
24           of the workforce within the local area, who—

1           (i) shall include representatives of  
2           labor organizations (for a local area in  
3           which employees are represented by labor  
4           organizations), who have been nominated  
5           by local labor federations, or (for a local  
6           area in which no employees are represented  
7           by such organizations) other representa-  
8           tives of employees;

9           (ii) may include representatives of  
10          community-based organizations that have  
11          demonstrated experience and expertise in  
12          addressing the employment needs of indi-  
13          viduals with barriers to employment, in-  
14          cluding organizations that serve veterans  
15          or that provide or support competitive, in-  
16          tegrated employment for individuals with  
17          disabilities; and

18          (iii) may include representatives of or-  
19          ganizations that have demonstrated experi-  
20          ence and expertise in addressing the em-  
21          ployment, training, or education needs of  
22          eligible youth, including representatives of  
23          organizations that serve out-of-school  
24          youth;

1           (C) each local board shall include rep-  
2           resentatives of entities administering education  
3           and training activities in the local area, who—

4                   (i) shall include a representative of el-  
5                   igible providers administering adult edu-  
6                   cation and literacy activities under title  
7                   III;

8                   (ii) shall include a representative of  
9                   institutions of higher education providing  
10                  workforce investment activities (including  
11                  community colleges);

12                  (iii) shall include a representative, ei-  
13                  ther an employer, a member of a labor or-  
14                  ganization, or a staff director, from a joint  
15                  labor-management apprenticeship program,  
16                  or if no such joint program exists in the  
17                  area, a representative of an apprenticeship  
18                  program in the area; and

19                  (iv) may include representatives of  
20                  local educational agencies, and of commu-  
21                  nity-based organizations with demonstrated  
22                  experience and expertise in addressing the  
23                  education or training needs of individuals  
24                  with barriers to employment;

1           (D) each local board shall include rep-  
2           resentatives of governmental and economic and  
3           community development entities serving the  
4           local area, who—

5                   (i) shall include 1 or more representa-  
6                   tives of economic and community develop-  
7                   ment entities;

8                   (ii) shall include an appropriate rep-  
9                   resentative from the State employment  
10                  service office under the Wagner-Peyser Act  
11                  (29 U.S.C. 49 et seq.) serving the local  
12                  area;

13                  (iii) shall include an appropriate rep-  
14                  resentative of the programs carried out  
15                  under title I of the Rehabilitation Act of  
16                  1973 (29 U.S.C. 720 et seq.), other than  
17                  section 112 or part C of that title (29  
18                  U.S.C. 732, 741); serving the local area;

19                  (iv) may include representatives of  
20                  agencies or entities administering pro-  
21                  grams serving the local area relating to  
22                  transportation, housing, and public assist-  
23                  ance; and

1                   (v) may include representatives of  
2                   philanthropic organizations serving the  
3                   local area; and

4                   (E) each local board may include such  
5                   other individuals or representatives of entities  
6                   as the chief elected official in the local area may  
7                   determine to be appropriate.

8                   (3) CHAIRPERSON.—The members of the local  
9                   board shall elect a chairperson for the local board  
10                  from among the representatives described in para-  
11                  graph (2)(A).

12                  (4) STANDING COMMITTEES.—

13                  (A) IN GENERAL.—The local board shall  
14                  designate and direct the activities of standing  
15                  committees to provide information and to assist  
16                  the local board in carrying out activities under  
17                  this section. Such standing committees shall be  
18                  chaired by a member of the local board; may in-  
19                  clude other members of the local board; and  
20                  shall include other individuals appointed by the  
21                  local board who are not members of the local  
22                  board and who the local board determines have  
23                  appropriate experience and expertise. At a min-  
24                  imum, the local board shall designate each of  
25                  the following:

1           (i) A standing committee, which shall  
2           provide information and assist with oper-  
3           ational and other issues relating to the  
4           one-stop delivery system, and which may  
5           include as members representatives of the  
6           one-stop partners.

7           (ii) A standing committee to provide  
8           information and to assist with planning,  
9           operational, and other issues relating to  
10          the provision of services to youth, which  
11          shall include community-based organiza-  
12          tions with a demonstrated record of suc-  
13          cess in serving eligible youth.

14          (iii) A standing committee to provide  
15          information and to assist with operational  
16          and other issues relating to the provision  
17          of services to individuals with disabilities,  
18          including issues relating to compliance  
19          with section 288 and applicable provisions  
20          of the Americans with Disabilities Act of  
21          1990 (42 U.S.C. 12101 et seq.) regarding  
22          providing programmatic and physical ac-  
23          cess to the services, programs, and activi-  
24          ties of the one-stop delivery system, as well  
25          as appropriate training for staff on pro-

1           viding supports for or accommodations to;  
2           and finding employment opportunities for;  
3           individuals with disabilities.

4           ~~(B) ADDITIONAL COMMITTEES.—~~The local  
5           board may designate standing committees in  
6           addition to the standing committees specified in  
7           subparagraph (A).

8           ~~(C) DESIGNATION OF ENTITY.—~~Nothing in  
9           this paragraph shall be construed to prohibit  
10          the designation of an existing (as of the date of  
11          enactment of this Act) entity, such as an effec-  
12          tive youth council, to fulfill the requirements of  
13          this paragraph as long as the entity meets the  
14          requirements of this paragraph.

15          ~~(5) AUTHORITY OF BOARD MEMBERS.—~~Mem-  
16          bers of the board that represent organizations, agen-  
17          cies, or other entities shall be individuals with opti-  
18          mum policymaking authority within the organiza-  
19          tions, agencies, or entities. The members of the  
20          board shall represent diverse geographic areas within  
21          the local area.

22          ~~(6) SPECIAL RULE.—~~If there are multiple eligi-  
23          ble providers serving the local area by administering  
24          adult education and literacy activities under title III,  
25          or multiple institutions of higher education serving



the local area by providing workforce investment activities; each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

~~(c) APPOINTMENT AND CERTIFICATION OF BOARD.—~~

~~(1) APPOINTMENT OF BOARD MEMBERS AND  
ASSIGNMENT OF RESPONSIBILITIES.—~~

~~(A) IN GENERAL.—~~The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

~~(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—~~

~~(i) IN GENERAL.—~~In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—

~~(I) in the appointment of the  
members of the local board from the~~

1 individuals nominated or rec-  
 2 ommended to be such members in ac-  
 3 cordance with the criteria established  
 4 under subsection (b); and

5 (H) in carrying out any other re-  
 6 sponsibilities assigned to such officials  
 7 under this title or subtitle A of title  
 8 H.

9 (ii) LACK OF AGREEMENT.—If, after  
 10 a reasonable effort, the chief elected offi-  
 11 cials are unable to reach agreement as pro-  
 12 vided under clause (i), the Governor may  
 13 appoint the members of the local board  
 14 from individuals so nominated or rec-  
 15 ommended.

16 (C) CONCENTRATED EMPLOYMENT PRO-  
 17 GRAMS.—In the case of an area that was des-  
 18 ignated as a local area in accordance with sec-  
 19 tion 116(a)(2)(B) of the Workforce Investment  
 20 Act of 1998 (as in effect on the day before the  
 21 date of enactment of this Act), and that re-  
 22 mains a local area on that date, the governing  
 23 body of the concentrated employment program  
 24 involved shall act in consultation with the chief  
 25 elected official in the local area to appoint

1 members of the local board, in accordance with  
2 the State criteria established under subsection  
3 (b), and to carry out any other responsibility  
4 relating to workforce investment activities as-  
5 signed to such official under this Act.

6 ~~(2) CERTIFICATION.—~~

7 (A) ~~IN GENERAL.—~~The Governor shall,  
8 once every 2 years, certify 1 local board for  
9 each local area in the State.

10 (B) ~~CRITERIA.—~~Such certification shall be  
11 based on criteria established under subsection  
12 (b), and for a second or subsequent certifi-  
13 cation, the extent to which the local board has  
14 ensured that workforce investment activities  
15 carried out in the local area have enabled the  
16 local area to meet the corresponding perform-  
17 ance accountability measures and achieve sus-  
18 tained fiscal integrity, as defined in section  
19 116(a)(2)(C).

20 (C) ~~FAILURE TO ACHIEVE CERTIFI-~~  
21 ~~CATION.—~~Failure of a local board to achieve  
22 certification shall result in appointment and  
23 certification of a new local board for the local  
24 area pursuant to the process described in para-  
25 graph (1) and this paragraph.

1           ~~(3) DECERTIFICATION.—~~

2                   ~~(A) FRAUD, ABUSE, FAILURE TO CARRY~~  
 3           ~~OUT FUNCTIONS.—Notwithstanding paragraph~~  
 4           ~~(2), the Governor shall have the authority to~~  
 5           ~~decertify a local board at any time after pro-~~  
 6           ~~viding notice and an opportunity for comment,~~  
 7           ~~for—~~

8                           ~~(i) fraud or abuse; or~~

9                           ~~(ii) failure to carry out the functions~~  
 10           ~~specified for the local board in subsection~~  
 11           ~~(d).~~

12           ~~(B) NONPERFORMANCE.—Notwithstanding~~  
 13           ~~paragraph (2), the Governor may decertify a~~  
 14           ~~local board if a local area fails to meet the local~~  
 15           ~~performance accountability measures for such~~  
 16           ~~local area in accordance with section 131(e) for~~  
 17           ~~2 consecutive program years.~~

18           ~~(C) REORGANIZATION PLAN.—If the Gov-~~  
 19           ~~ernor decertifies a local board for a local area~~  
 20           ~~under subparagraph (A) or (B), the Governor~~  
 21           ~~may require that a new local board be ap-~~  
 22           ~~pointed and certified for the local area pursuant~~  
 23           ~~to a reorganization plan developed by the Gov-~~  
 24           ~~ernor, in consultation with the chief elected offi-~~

1 eial in the local area and in accordance with the  
2 criteria established under subsection (b).

3 ~~(4) SINGLE STATE LOCAL AREA.—~~

4 ~~(A) STATE BOARD.—~~Notwithstanding sub-  
5 section (b) and paragraphs (1) and (2), if a  
6 State described in section 116(b) indicates in  
7 the State plan that the State will be treated as  
8 a single State local area, for purposes of the ap-  
9 plication of this Act or the provisions author-  
10 izing a core program, the State board shall  
11 carry out any of the functions of a local board  
12 under this Act or the provisions authorizing a  
13 core program, including the functions described  
14 in subsection (d).

15 ~~(B) REFERENCES.—~~

16 ~~(i) IN GENERAL.—~~Except as provided  
17 in clauses (ii) and (iii), with respect to  
18 such a State, a reference in this Act or a  
19 core program provision to a local board  
20 shall be considered to be a reference to the  
21 State board, and a reference in the Act or  
22 provision to a local area or region shall be  
23 considered to be a reference to the State.

24 ~~(ii) PLANS.—~~The State board shall  
25 prepare a local plan under section 118 for

1 the State, and submit the plan for ap-  
 2 proval as part of the State plan.

3 ~~(iii) PERFORMANCE ACCOUNTABILITY~~  
 4 ~~MEASURES.—The State shall not be re-~~  
 5 ~~quired to meet and report on a set of local~~  
 6 ~~performance accountability measures.~~

7 ~~(d) FUNCTIONS OF LOCAL BOARD.—Consistent with~~  
 8 ~~section 118, the functions of the local board shall include~~  
 9 ~~the following:~~

10 ~~(1) LOCAL PLAN.—The local board, in partner-~~  
 11 ~~ship with the chief elected official for the local area~~  
 12 ~~involved, shall develop and submit a local plan to the~~  
 13 ~~Governor that meets the requirements in section~~  
 14 ~~118. If the local area is part of a planning region~~  
 15 ~~that includes other local areas, the local board shall~~  
 16 ~~collaborate with the other local boards and chief~~  
 17 ~~elected officials from such other local areas in the~~  
 18 ~~development and submission of the local plan as de-~~  
 19 ~~scribed in section 116(c)(1)(A).~~

20 ~~(2) WORKFORCE RESEARCH AND REGIONAL~~  
 21 ~~LABOR MARKET ANALYSIS.—In order to assist in the~~  
 22 ~~development and implementation of the local plan,~~  
 23 ~~the local board shall—~~

24 ~~(A) carry out analyses of the economic~~  
 25 ~~conditions in the region, the needed knowledge~~

1 and skills for the region; the workforce in the  
 2 region; and workforce development activities  
 3 (including education and training) in the region  
 4 described in section 118(b)(1)(D); and regularly  
 5 update such information;

6 (B) assist the Governor in developing the  
 7 statewide workforce and labor market informa-  
 8 tion system described in section 15(e) of the  
 9 Wagner-Peyser Act (29 U.S.C. 491-2(e)); spe-  
 10 cifically in the collection, analysis, and utiliza-  
 11 tion of workforce and labor market information  
 12 for the region; and

13 (C) conduct such other research, data col-  
 14 lection, and analysis related to the workforce  
 15 needs of the regional economy as the board,  
 16 after receiving input from a wide array of  
 17 stakeholders, determines to be necessary to  
 18 carry out its functions.

19 ~~(3) CONVENING, BROKERING, LEVERAGING.—~~

20 The local board shall convene local workforce devel-  
 21 opment system stakeholders to assist in the develop-  
 22 ment of the local plan under section 118 and in  
 23 identifying non-Federal expertise and resources to  
 24 leverage support for workforce development activi-  
 25 ties. The local board, including standing committees,

1 may engage such stakeholders in carrying out the  
2 functions described in this subsection.

3 (4) ~~EMPLOYER ENGAGEMENT.~~—The local board  
4 shall lead efforts to engage with a diverse range of  
5 employers and with entities in the region involved—

6 (A) to promote business representation  
7 (particularly representatives with optimal pol-  
8 icymaking or hiring authority from employers  
9 whose employment opportunities reflect existing  
10 and emerging employment opportunities in the  
11 region) on the local board;

12 (B) to develop effective linkages (including  
13 the use of intermediaries) with employers in the  
14 region to support employer utilization of the  
15 local workforce development system and to sup-  
16 port local workforce investment activities;

17 (C) to ensure that workforce investment  
18 activities meet the needs of employers and sup-  
19 port economic growth in the region, by enhanc-  
20 ing communication, coordination, and collabora-  
21 tion among employers, economic development  
22 entities, and service providers; and

23 (D) to develop and implement proven or  
24 promising strategies for meeting the employ-  
25 ment and skill needs of workers and employers



(such as the establishment of industry and sector partnerships); that provide the skilled workforce needed by employers in the region; and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

(6) PROVEN AND PROMISING PRACTICES.—The local board shall lead efforts in the local area to—

(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 288 and applicable provisions of the Ameri-

1       eans with Disabilities Act of 1990 (42 U.S.C.  
2       12101 et seq.), to the one-stop delivery system;  
3       and

4               (B) identify and disseminate information  
5       on proven and promising practices carried out  
6       in other local areas for meeting such needs.

7       (7) TECHNOLOGY.—The local board shall de-  
8       velop strategies for using technology to maximize the  
9       accessibility and effectiveness of the local workforce  
10      development system for employers, and workers and  
11      jobseekers, by—

12              (A) facilitating connections among the in-  
13      take and case management information systems  
14      of the one-stop partner programs to support a  
15      comprehensive workforce development system in  
16      the local area;

17              (B) facilitating access to services provided  
18      through the one-stop delivery system involved,  
19      including facilitating the access in remote areas;

20              (C) identifying strategies for better meet-  
21      ing the needs of individuals with barriers to em-  
22      ployment, including strategies that augment  
23      traditional service delivery, and increase access  
24      to services and programs of the one-stop deliv-

ery system, such as improving digital literacy skills; and

(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(8) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—

(A)(i) conduct oversight for local youth workforce investment activities authorized under section 229, local employment and training activities authorized under section 234, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under this title and title II for the activities and system described in clause (i); and

(B) for workforce development activities, ensure the appropriate use, management of, and investment of funds to maximize performance outcomes under section 131.

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the

chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 131(e).

~~(10) SELECTION OF OPERATORS AND PROVIDERS.—~~

~~(A) SELECTION OF ONE-STOP OPERATORS.—~~Consistent with section 221(d), the local board, with the agreement of the chief elected official for the local area—

~~(i) shall designate or certify one-stop operators as described in section 221(d)(2)(A); and~~

~~(ii) may terminate for cause the eligibility of such operators.~~

~~(B) SELECTION OF YOUTH PROVIDERS.—~~Consistent with section 223, the local board—

~~(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 223(b)); based on the recommendations of the youth standing committee established under section 117(b)(4); and~~

1                   (ii) may terminate for cause the eligi-  
2                   bility of such providers.

3                   ~~(C) IDENTIFICATION OF ELIGIBLE PRO-~~  
4                   ~~VIDERS OF TRAINING SERVICES.—~~Consistent  
5                   with section 222, the local board shall identify  
6                   eligible providers of training services in the  
7                   local area.

8                   ~~(D) IDENTIFICATION OF ELIGIBLE PRO-~~  
9                   ~~VIDERS OF INTENSIVE SERVICES.—~~If the one-  
10                  stop operator does not provide intensive services  
11                  in a local area, the local board shall identify eli-  
12                  gible providers of intensive services described in  
13                  section 234(c)(3) in the local area by awarding  
14                  contracts.

15                  ~~(E) CONSUMER CHOICE REQUIREMENTS.—~~  
16                  Consistent with section 222 and paragraphs (3)  
17                  and (4) of section 234(c), the local board shall  
18                  work with the State to ensure there are suffi-  
19                  cient numbers and types of providers of inten-  
20                  sive services and training services (including eli-  
21                  gible providers with expertise in assisting indi-  
22                  viduals with disabilities and eligible providers  
23                  with expertise in assisting adults in need of  
24                  adult education and literacy activities) serving  
25                  the local area and providing the services in-

1       volved in a manner that maximizes consumer  
 2       choice, as well as providing opportunities that  
 3       lead to competitive, integrated employment for  
 4       individuals with disabilities.

5       (11) COORDINATION WITH EDUCATION PRO-  
 6       VIDERS.—

7               (A) IN GENERAL.—The local board shall  
 8       coordinate activities with education and training  
 9       providers in the local area, including providers  
 10      of workforce investment activities, providers of  
 11      adult education and literacy activities under  
 12      title III, providers of career and technical edu-  
 13      cation (as defined in section 3 of the Carl D.  
 14      Perkins Career and Technical Education Act of  
 15      2006 (20 U.S.C. 2302)) and local agencies ad-  
 16      ministering plans under title I of the Rehabili-  
 17      tation Act of 1973 (29 U.S.C. 720 et seq.),  
 18      other than section 112 or part C of that title  
 19      (29 U.S.C. 732, 741).

20              (B) APPLICATIONS AND AGREEMENTS.—  
 21      The coordination described in subparagraph (A)  
 22      shall include—

23                      (i) consistent with section 332—

24                              (I) reviewing the applications to  
 25                              provide adult education and literacy

1 activities under title III for the local  
2 area, submitted under such section to  
3 the eligible agency by eligible pro-  
4 viders, to determine whether such ap-  
5 plications are consistent with the local  
6 plan; and

7 (II) making recommendations to  
8 the eligible agency to promote align-  
9 ment with such plan; and

10 (ii) replicating cooperative agreements  
11 in accordance with subparagraph (B) of  
12 section 101(a)(11) of the Rehabilitation  
13 Act of 1973 (29 U.S.C. 721(a)(11)), and  
14 implementing cooperative agreements in  
15 accordance with that section with the local  
16 agencies administering plans under title I  
17 of that Act (29 U.S.C. 720 et seq.) (other  
18 than section 112 or part C of that title (29  
19 U.S.C. 732, 741) and subject to section  
20 221(f)), with respect to efforts that will en-  
21 hance the provision of services to individ-  
22 uals with disabilities and other individuals,  
23 such as cross training of staff, technical  
24 assistance, use and sharing of information,  
25 cooperative efforts with employers, and

other efforts at cooperation, collaboration,  
and coordination.

~~(C) COOPERATIVE AGREEMENT.~~—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

~~(12) BUDGET AND ADMINISTRATION.~~—

~~(A) BUDGET.~~—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

~~(B) ADMINISTRATION.~~—

~~(i) GRANT RECIPIENT.~~—

~~(I) IN GENERAL.~~—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 228 and 233, unless the chief elected official reaches an agreement with the Governor for



1 the Governor to act as the local grant  
2 recipient and bear such liability.

3 (II) DESIGNATION.—In order to  
4 assist in administration of the grant  
5 funds, the chief elected official or the  
6 Governor, where the Governor serves  
7 as the local grant recipient for a local  
8 area, may designate an entity to serve  
9 as a local grant subrecipient for such  
10 funds or as a local fiscal agent. Such  
11 designation shall not relieve the chief  
12 elected official or the Governor of the  
13 liability for any misuse of grant funds  
14 as described in subelause (I).

15 (III) DISBURSAL.—The local  
16 grant recipient or an entity designated  
17 under subelause (II) shall disburse the  
18 grant funds for workforce investment  
19 activities at the direction of the local  
20 board, pursuant to the requirements  
21 of this title and title II. The local  
22 grant recipient or entity designated  
23 under subelause (II) shall disburse the  
24 funds immediately on receiving such  
25 direction from the local board.

1                   (ii) ~~GRANTS AND DONATIONS.~~—The  
 2                   local board may solicit and accept grants  
 3                   and donations from sources other than  
 4                   Federal funds made available under this  
 5                   Act.

6                   (iii) ~~TAX-EXEMPT STATUS.~~—For pur-  
 7                   poses of carrying out duties under this  
 8                   Act, local boards may incorporate, and  
 9                   may operate as entities described in section  
 10                  501(c)(3) of the Internal Revenue Code of  
 11                  1986 that are exempt from taxation under  
 12                  section 501(a) of such Code.

13                (13) ~~ACCESSIBILITY FOR INDIVIDUALS WITH~~  
 14                ~~DISABILITIES.~~—The local board shall annually as-  
 15                sess the physical and programmatic accessibility, in  
 16                accordance with section 288 and applicable provi-  
 17                sions of the Americans with Disabilities Act of 1990  
 18                (42 U.S.C. 12101 et seq.), of all one-stop centers in  
 19                the local area.

20                (e) ~~SUNSHINE PROVISION.~~—The local board shall  
 21                make available to the public, on a regular basis through  
 22                electronic means and open meetings, information regard-  
 23                ing the activities of the local board, including information  
 24                regarding the local plan prior to submission of the plan,  
 25                and regarding membership, the designation and certifi-

1 cation of one-stop operators, and the award of grants or  
 2 contracts to eligible providers of youth workforce invest-  
 3 ment activities, and on request, minutes of formal meet-  
 4 ings of the local board.

5 (f) STAFF.—

6 (1) IN GENERAL.—The local board may hire a  
 7 director and other staff.

8 (2) LIMITATION ON RATE.—The director and  
 9 staff described in paragraph (1) shall be subject to  
 10 the limitations on the payment of salaries and bo-  
 11 nuses described in section 294(15).

12 (g) LIMITATIONS.—

13 (1) TRAINING SERVICES.—

14 (A) IN GENERAL.—Except as provided in  
 15 subparagraph (B), no local board may provide  
 16 training services.

17 (B) WAIVERS OF TRAINING PROHIBI-  
 18 TION.—The Governor of the State in which a  
 19 local board is located may, pursuant to a re-  
 20 quest from the local board, grant a written  
 21 waiver of the prohibition set forth in subpara-  
 22 graph (A) (relating to the provision of training  
 23 services) for a program of training services, if  
 24 the local board—

1           (i) submits to the Governor a pro-  
2 posed request for the waiver that in-  
3 cludes—

4               (I) satisfactory evidence that  
5 there is an insufficient number of eli-  
6 gible providers of such a program of  
7 training services to meet local demand  
8 in the local area;

9               (II) information demonstrating  
10 that the board meets the requirements  
11 for an eligible provider of training  
12 services under section 222; and

13               (III) information demonstrating  
14 that the program of training services  
15 prepares participants for an industry  
16 sector or occupation that is in demand  
17 in the local area;

18           (ii) makes the proposed request avail-  
19 able to eligible providers of training serv-  
20 ices and other interested members of the  
21 public for a public comment period of not  
22 less than 30 days; and

23           (iii) includes, in the final request for  
24 the waiver, the evidence and information

described in clause (i) and the comments  
received pursuant to clause (ii).

~~(C) DURATION.~~—A waiver granted to a  
local board under subparagraph (B) shall apply  
for a period that shall not exceed the duration  
of the local plan. The waiver may be renewed  
for additional periods under subsequent local  
plans, not to exceed the durations of such sub-  
sequent plans, pursuant to requests from the  
local board, if the board meets the requirements  
of subparagraph (B) in making the requests.

~~(D) REVOCATION.~~—The Governor shall  
have the authority to revoke the waiver during  
the appropriate period described in subpara-  
graph (C) if the Governor determines the waiv-  
er is no longer needed or that the local board  
involved has engaged in a pattern of inappro-  
priate referrals to training services operated by  
the local board.

~~(2) CORE SERVICES; INTENSIVE SERVICES; DES-  
IGNATION OR CERTIFICATION AS ONE-STOP OPERA-  
TORS.~~—A local board may provide core services de-  
scribed in section 234(c)(2) or intensive services de-  
scribed in section 234(c)(3) through a one-stop de-  
livery system or be designated or certified as a one-

1 stop operator only with the agreement of the chief  
 2 elected official in the local area and the Governor.

3 ~~(3) LIMITATION ON AUTHORITY.—~~Nothing in  
 4 this Act shall be construed to provide a local board  
 5 with the authority to mandate curricula for schools.

6 ~~(h) CONFLICT OF INTEREST.—~~A member of a local  
 7 board, or a member of a standing committee, may not—

8 ~~(1) vote on a matter under consideration by the~~  
 9 ~~local board—~~

10 ~~(A) regarding the provision of services by~~  
 11 ~~such member (or by an entity that such mem-~~  
 12 ~~ber represents); or~~

13 ~~(B) that would provide direct financial~~  
 14 ~~benefit to such member or the immediate family~~  
 15 ~~of such member; or~~

16 ~~(2) engage in any other activity determined by~~  
 17 ~~the Governor to constitute a conflict of interest as~~  
 18 ~~specified in the State plan.~~

19 ~~(i) ALTERNATIVE ENTITY.—~~

20 ~~(1) IN GENERAL.—~~For purposes of complying  
 21 with subsections (a), (b), and (c), a State may use  
 22 any local entity (including a local council, regional  
 23 workforce development board, or similar entity)  
 24 that—

1           (A) is established to serve the local area  
 2           (for the service delivery area that most closely  
 3           corresponds to the local area);

4           (B) was in existence on August 7, 1998,  
 5           pursuant to State law; and

6           (C) includes—

7                   (i) representatives of business in the  
 8                   local area; and

9                   (ii)(I) representatives of labor organi-  
 10                   zations (for a local area in which employ-  
 11                   ees are represented by labor organiza-  
 12                   tions); nominated by local labor federa-  
 13                   tions; or

14                   (II) other representatives of employees  
 15                   in the local area (for a local area in which  
 16                   no employees are represented by such or-  
 17                   ganizations);

18           (2) REFERENCES.—A reference in this Act or a  
 19           core program provision to a local board, shall include  
 20           a reference to such an entity.

21 **SEC. 118. LOCAL PLAN.**

22           (a) IN GENERAL.—Each local board shall develop  
 23           and submit to the Governor a comprehensive 4-year local  
 24           plan, in partnership with the chief elected official. The  
 25           local plan shall support the strategy described in the State

1 plan in accordance with section ~~112(b)(1)(F)~~, and other-  
 2 wise be consistent with the State plan. If the local area  
 3 is part of a planning region, the local board shall comply  
 4 with section ~~116(c)(1)(A)~~ in the preparation and submis-  
 5 sion of a regional plan. At the end of the first 2-year pe-  
 6 riod of the 4-year local plan, each local board shall review  
 7 the local plan and the local board, in partnership with the  
 8 chief elected official, shall prepare and submit modifica-  
 9 tions to the local plan to reflect changes in labor market  
 10 and economic conditions or in other factors affecting the  
 11 implementation of the local plan.

12       (b) CONTENTS.—The local plan shall include—

13           (1) a description of the strategic planning ele-  
 14       ments consisting of—

15               (A) an analysis of the regional economic  
 16       conditions including—

17                   (i) existing and emerging in-demand  
 18       industry sectors and occupations; and

19                   (ii) the employment needs of employ-  
 20       ers in those industry sectors and occupa-  
 21       tions;

22               (B) an analysis of the knowledge and skills  
 23       needed to meet the employment needs of the  
 24       employers in the region, including employment



1 needs in in-demand industry sectors and occu-  
2 pations;

3 (C) an analysis of the workforce in the re-  
4 gion, including current labor force employment  
5 (and unemployment) data, and information on  
6 labor market trends, and the educational and  
7 skill levels of the workforce in the region, in-  
8 cluding individuals with barriers to employment;

9 (D) an analysis of the workforce develop-  
10 ment activities (including education and train-  
11 ing) in the region, including an analysis of the  
12 strengths and weaknesses of such services, and  
13 the capacity to provide such services, to address  
14 the identified education and skill needs of the  
15 workforce and the employment needs of employ-  
16 ers in the region;

17 (E) a description of the local board's stra-  
18 tegic vision and goals for preparing an educated  
19 and skilled workforce (including youth and indi-  
20 viduals with barriers to employment), including  
21 goals relating to the performance accountability  
22 measures based on primary indicators of per-  
23 formance described in section 131(b)(2)(A) in  
24 order to support regional economic growth and  
25 economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under paragraph (1)(F);

(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs;

1           (4) a description of the strategies and services  
2       that will be used in the local area—

3           (A) in order to—

4               (i) facilitate engagement of employers;  
5               including small employers and employers in  
6               in-demand industry sectors and occupa-  
7               tions; in workforce development programs;

8               (ii) support a local workforce develop-  
9               ment system that meets the needs of busi-  
10              nesses in the local area;

11              (iii) better coordinate workforce devel-  
12              opment programs and economic develop-  
13              ment; and

14              (iv) strengthen linkages between the  
15              one-stop delivery system and unemploy-  
16              ment insurance programs; and

17           (B) that may include the implementation  
18       of initiatives such as incumbent worker training  
19       programs; on-the-job training programs; cus-  
20       tomized training programs; industry and sector  
21       strategies; career pathways initiatives; utiliza-  
22       tion of effective business intermediaries; and  
23       other business services and strategies; designed  
24       to meet the needs of employers in the cor-

1           responding region in support of the strategy de-  
2           scribed in paragraph (1)(F);

3           ~~(5)~~ a description of how the local board will co-  
4           ordinate workforce investment activities carried out  
5           in the local area with economic development activi-  
6           ties carried out in the region in which the local area  
7           is located (or planning region); and promote entre-  
8           preneurial skills training and microenterprise serv-  
9           ices;

10          (6) a description of the one-stop delivery system  
11          in the local area, including—

12                ~~(A)~~ a description of how the local board  
13                will ensure the continuous improvement of eligi-  
14                ble providers of services through the system and  
15                ensure that such providers meet the employ-  
16                ment needs of local employers; and workers and  
17                jobseekers;

18                ~~(B)~~ a description of how the local board  
19                will facilitate access to services provided  
20                through the one-stop delivery system, including  
21                in remote areas; through the use of technology  
22                and through other means;

23                (C) a description of how entities within the  
24                one-stop delivery system, including one-stop op-  
25                erators and the one-stop partners, will comply

1 with section 288 and applicable provisions of  
2 the Americans with Disabilities Act of 1990 (42  
3 U.S.C. 12101 et seq.) regarding the physical  
4 and programmatic accessibility of facilities, pro-  
5 grams and services, technology, and materials  
6 for individuals with disabilities, including pro-  
7 viding staff training and support for addressing  
8 the needs of individuals with disabilities; and

9 (D) a description of the roles and resource  
10 contributions of the one-stop partners;

11 (7) a description and assessment of the type  
12 and availability of adult and dislocated worker em-  
13 ployment and training activities in the local area;

14 (8) a description of how the local board will co-  
15 ordinate workforce investment activities carried out  
16 in the local area with statewide rapid response ac-  
17 tivities, as defined in section 201, as appropriate;

18 (9) a description and assessment of the type  
19 and availability of youth workforce investment activi-  
20 ties in the local area, including activities for youth  
21 who are individuals with disabilities; which descrip-  
22 tion and assessment shall include an identification of  
23 successful models of such youth workforce invest-  
24 ment activities;

1           (10) a description of how the local board will  
2           coordinate education and workforce investment ac-  
3           tivities carried out in the local area with relevant  
4           secondary and postsecondary education programs  
5           and activities to coordinate strategies, enhance serv-  
6           ices, and avoid duplication of services;

7           (11) a description of how the local board will  
8           coordinate workforce investment activities carried  
9           out under this title or title II in the local area with  
10          the provision of transportation, including public  
11          transportation, and other appropriate supportive  
12          services in the local area;

13          (12) a description of plans and strategies for,  
14          and assurances concerning, maximizing coordination  
15          of services provided by the State employment service  
16          under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)  
17          and services provided in the local area through the  
18          one-stop delivery system, to improve service delivery  
19          and avoid duplication of services;

20          (13) a description of how the local board will  
21          coordinate workforce investment activities carried  
22          out under this title or title II in the local area with  
23          the provision of adult education and literacy activi-  
24          ties under title III in the local area, including a de-  
25          scription of how the local board will carry out, con-

1       sistent with subparagraphs (A) and (B)(i) of sec-  
2       tions 117(d)(11) and section 332, the review of local  
3       applications submitted under title III;

4           (14) a description of the replicated cooperative  
5       agreements (as defined in section 117(d)(11)) be-  
6       tween the local board or other local entities de-  
7       scribed in section 101(a)(11)(B) of the Rehabilita-  
8       tion Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the  
9       local office of a designated State agency or des-  
10      ignated State unit administering programs carried  
11      out under title I of such Act (29 U.S.C. 720 et seq.)  
12      (other than section 112 or part C of that title (29  
13      U.S.C. 732, 741) and subject to section 221(f)) in  
14      accordance with section 101(a)(11) of such Act (29  
15      U.S.C. 721(a)(11)) with respect to efforts that will  
16      enhance the provision of services to individuals with  
17      disabilities and to other individuals, such as cross  
18      training of staff, technical assistance, use and shar-  
19      ing of information, cooperative efforts with employ-  
20      ers, and other efforts at cooperation, collaboration,  
21      and coordination;

22           (15) an identification of the entity responsible  
23      for the disbursement of grant funds described in section  
24      117(d)(12)(B)(i)(III), as determined by the chief

1 elected official or the Governor under section  
2 117(d)(12)(B)(i);

3 (16) a description of the competitive process to  
4 be used to award the subgrants and contracts in the  
5 local area for activities carried out under title I or  
6 title II;

7 (17) a description of the local levels of perform-  
8 ance negotiated with the Governor and chief elected  
9 official pursuant to section 131(e), to be used to  
10 measure the performance of the local area and to be  
11 used by the local board for measuring the perform-  
12 ance of the local fiscal agent (where appropriate); el-  
13 igible providers under title II, and the one-stop deliv-  
14 ery system, in the local area;

15 (18) a description of the actions the local board  
16 will take toward becoming or remaining a high-per-  
17 forming board, consistent with the factors developed  
18 by the State board pursuant to section 111(d)(6);

19 (19) a description of how training services  
20 under chapter 3 of subtitle B of title II will be pro-  
21 vided in accordance with section 234(c)(4)(G), in-  
22 cluding, if contracts for the training services will be  
23 used, how the use of such contracts will be coordi-  
24 nated with the use of individual training accounts  
25 under that chapter and how the local board will en-



1       sure informed customer choice in the selection of  
2       training programs regardless of how the training  
3       services are to be provided;

4           (20) a description of the process used by the  
5       local board, consistent with subsection (c), to provide  
6       an opportunity for public comment, including com-  
7       ment by representatives of businesses and comment  
8       by representatives of labor organizations, and input  
9       into the development of the local plan, prior to sub-  
10      mission of the plan;

11          (21) a description of how one-stop centers are  
12      implementing and transitioning to an integrated,  
13      technology-enabled intake and case management in-  
14      formation system for programs carried out under the  
15      Act and programs carried out by one-stop partners;  
16      and

17          (22) such other information as the Governor  
18      may require.

19      (c) **PROCESS.**—Prior to the date on which the local  
20      board submits a local plan under this section, the local  
21      board shall—

22          (1) make available copies of a proposed local  
23      plan to the public through electronic and other  
24      means, such as public hearings and local news  
25      media;

1           (2) allow members of the public, including rep-  
2           resentatives of business, representatives of labor or-  
3           ganizations, and representatives of education to sub-  
4           mit to the local board comments on the proposed  
5           local plan, not later than the end of the 30-day pe-  
6           riod beginning on the date on which the proposed  
7           local plan is made available; and

8           (3) include with the local plan submitted to the  
9           Governor under this section any such comments that  
10          represent disagreement with the plan.

11        (d) PLAN SUBMISSION AND APPROVAL.—A local plan  
12        submitted to the Governor under this section (including  
13        a modification to such a local plan) shall be considered  
14        to be approved by the Governor at the end of the 90-day  
15        period beginning on the day the Governor receives the plan  
16        (including such a modification), unless the Governor  
17        makes a written determination during the 90-day period  
18        that—

19           (1) deficiencies in activities carried out under  
20           this title or subtitle A of title II have been identified,  
21           through audits conducted under section 284 or oth-  
22           erwise, and the local area has not made acceptable  
23           progress in implementing corrective measures to ad-  
24           dress the deficiencies;

1           (2) the plan does not comply with the applicable  
2           provisions of this Act; or

3           (3) the plan does not align with the State plan,  
4           including failing to provide for alignment of the core  
5           programs to support the strategy identified in the  
6           State plan in accordance with section 112(b)(1)(F).

## 7           **CHAPTER 3—GENERAL PROVISIONS**

### 8           **SEC. 121. QUALIFICATIONS FOR DIRECTORS.**

#### 9           (a) DEVELOPMENT OF GUIDELINES.—

10           (1) DEVELOPMENT.—Not later than 3 months  
11           after the date of enactment of this Act, the Sec-  
12           retary of Labor, in consultation with the Secretary  
13           of Education, shall initiate a process to develop  
14           guidelines for qualifications for the position of direc-  
15           tor (which may be known as an executive director or  
16           chief executive officer, or by a similar title) of State  
17           boards and local boards.

18           (2) CONSULTATION.—The Secretary shall so-  
19           licit and consider advice from a diverse set of par-  
20           ties, drawn from each of the following groups:

21           (A) Representatives of Federal, State, re-  
22           gional, and local officials responsible for the ad-  
23           ministration of one-stop partner programs, as  
24           well as other workforce development programs  
25           the Secretary determines are appropriate.

1           (B) Representatives of State boards and  
 2           local boards, including representatives of the di-  
 3           rectors of such boards.

4           (C) Individuals with relevant expertise in  
 5           workforce development representing entities  
 6           such as national associations and organizations,  
 7           academic and research organizations, labor or-  
 8           ganizations, businesses and business organiza-  
 9           tions, economic development entities, institu-  
 10          tions of higher education, community-based or-  
 11          ganizations and intermediaries, and philan-  
 12          thropic organizations.

13          (3) QUALIFICATIONS.—In developing guidelines  
 14          for qualifications for the directors of State boards  
 15          and local boards under this section, the Secretary  
 16          shall analyze and determine the requisite knowledge,  
 17          skills, and abilities necessary to assist the boards in  
 18          carrying out the functions described in, as appro-  
 19          priate, sections 111(d) and 117(d) and necessary for  
 20          understanding and leadership of workforce develop-  
 21          ment systems.

22          (b) IDENTIFICATION OF GUIDELINES.—Not later  
 23          than 15 months after the date of enactment of this Act,  
 24          the Secretary of Labor, in consultation with the Secretary  
 25          of Education, shall identify the guidelines for qualifica-

1 tions the Secretary of Labor determines are appropriate  
 2 for the directors of State boards and local boards and shall  
 3 disseminate such guidelines to the public, Governors, and  
 4 chief elected officials, and to State boards and local boards  
 5 for their consideration and use in hiring such directors.  
 6 The Secretary of Labor may provide technical assistance  
 7 to State boards and local boards relating to the use of  
 8 such guidelines.

9       (c) PERIODIC REVIEW.—The Secretary of Labor, in  
 10 consultation with the Secretary of Education, shall peri-  
 11 odically review the guideline identified under this section  
 12 for qualifications for the directors of State boards and  
 13 local boards and, after consultation with the individuals  
 14 referenced in subsection (a)(2), may issue such revised  
 15 guidelines, in accordance with this section, as the Sec-  
 16 retary determines to be appropriate.

17 **SEC. 122. FUNDING OF STATE AND LOCAL BOARDS.**

18       (a) STATE BOARDS.—In funding a State board under  
 19 this subtitle, a State—

20               (1) shall use funds available as described in sec-  
 21 tion 229(b)(2) or 234(a)(3)(B); or

22               (2) may use non-Federal funds available to the  
 23 State that the State determines are appropriate and  
 24 available for that use.

1       (b) LOCAL BOARDS.—In funding a local board under  
 2 this subtitle, the chief elected official and local board for  
 3 the local area—

4           (1) shall use funds available as described in sec-  
 5 tion 228(b)(4); or

6           (2) may use non-Federal funds available to the  
 7 local area that the chief elected official and local  
 8 board determine are appropriate and available for  
 9 that use.

10 **Subtitle B—Workforce Develop-**  
 11 **ment Performance Account-**  
 12 **ability System**

13 **SEC. 131. PERFORMANCE ACCOUNTABILITY SYSTEM.**

14       (a) PURPOSE.—The purpose of this section is to es-  
 15 tablish performance accountability measures that apply—

16           (1) across the core programs to assess the ef-  
 17 fectiveness of States in achieving positive outcomes  
 18 for individuals served by those programs; and

19           (2) across the title II core programs to assess  
 20 the effectiveness of local areas in achieving positive  
 21 outcomes for individuals served by those programs.

22       (b) STATE PERFORMANCE ACCOUNTABILITY MEAS-  
 23 URES.—

1           ~~(1) IN GENERAL.—~~For each State, the perform-  
 2           ance accountability measures for the core programs  
 3           shall consist of—

4                   ~~(A)(i)~~ the primary indicators of perform-  
 5           ance described in paragraph ~~(2)(A)~~; and

6                   ~~(ii)~~ the additional indicators of perform-  
 7           ance (if any) identified by the State under  
 8           paragraph ~~(2)(B)~~; and

9                   ~~(B)~~ a State adjusted level of performance  
 10          for each indicator described in subparagraph  
 11          ~~(A)~~.

12          ~~(2) INDICATORS OF PERFORMANCE.—~~

13               ~~(A) PRIMARY INDICATORS OF PERFORM-~~  
 14          ~~ANCE.—~~

15                   ~~(i) IN GENERAL.—~~The State primary  
 16          indicators of performance for activities  
 17          provided under the adult and dislocated  
 18          worker programs authorized under chapter  
 19          3 of subtitle B of title II, the program of  
 20          adult education and literacy activities au-  
 21          thorized under title III, the employment  
 22          services program authorized under sections  
 23          1 through 13 of the Wagner-Peyser Act  
 24          ~~(29 U.S.C. 49 et seq.)~~ (except that sub-  
 25          clauses ~~(IV)~~ and ~~(V)~~ shall not apply to

1 such program); and the program author-  
2 ized under title I of the Rehabilitation Act  
3 of 1973 (29 U.S.C. 720 et seq.); other  
4 than section 112 or part C of that title (29  
5 U.S.C. 732, 741), shall consist of—

6 (I) the percentage of program  
7 participants who are employed during  
8 the second quarter after exit from the  
9 program;

10 (II) the percentage of program  
11 participants who are employed during  
12 the fourth quarter after exit from the  
13 program;

14 (III) the median earnings of pro-  
15 gram participants who are employed  
16 during the second quarter after exit  
17 from the program;

18 (IV) the percentage of program  
19 participants who obtain a recognized  
20 postsecondary credential, or a sec-  
21 ondary school diploma or its recog-  
22 nized equivalent (subject to clause  
23 (iii)), during participation in or within  
24 1 year after exit from the program;



(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and

(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).

(ii) PRIMARY INDICATORS FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 2 of subtitle B of title II shall consist of—

(I) the percentage of program participants who are in education or training activities, or employed, during the second quarter after exit from the program;

(II) the percentage of program participants who are in education or training activities, or employed, dur-

1 ing the fourth quarter after exit from  
2 the program;

3 (III) the median earnings of pro-  
4 gram participants who are employed  
5 during the second quarter after exit  
6 from the program;

7 (IV) the percentage of program  
8 participants who obtain a recognized  
9 postsecondary credential described in  
10 clause (i)(IV), or a secondary school  
11 diploma or its recognized equivalent  
12 subject to clause (iii), during partici-  
13 pation in or within 1 year after exit  
14 from the program;

15 (V) the percentage of program  
16 participants who, during a program  
17 year, are in an education or training  
18 program that leads to a recognized  
19 postsecondary credential or employ-  
20 ment and who are achieving measur-  
21 able skill gains toward such a creden-  
22 tial or employment; and

23 (VI) the indicators of effective-  
24 ness in serving employers established  
25 pursuant to clause (iv).

(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV) or (ii)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential described in clause (i)(IV) within 1 year after exit from the program.

(iv) INDICATOR FOR SERVICES TO EMPLOYERS.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI) and (ii)(VI), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (h)(2), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effec-

1           tiveness of the core programs in serving  
2           employers.

3           ~~(B) ADDITIONAL INDICATORS.—~~A State  
4           may identify in the State plan additional per-  
5           formance accountability indicators.

6           ~~(3) LEVELS OF PERFORMANCE.—~~

7           ~~(A) STATE ADJUSTED LEVELS OF PER-~~  
8           ~~FORMANCE FOR PRIMARY INDICATORS.—~~

9                   (i) IN GENERAL.—For each State sub-  
10           mitting a State plan, there shall be estab-  
11           lished, in accordance with this subpara-  
12           graph, levels of performance for each of  
13           the corresponding primary indicators of  
14           performance described in paragraph (2) for  
15           each of the programs described in clause  
16           (ii).

17                   (ii) INCLUDED PROGRAMS.—The pro-  
18           grams included under clause (i) are—

19                           (I) the youth program authorized  
20                           under chapter 2 of subtitle B of title  
21                           H;

22                           (II) the adult program authorized  
23                           under chapter 3 of subtitle B of title  
24                           H;

1           (III) the dislocated worker au-  
2           thorized under chapter 3 of subtitle B  
3           of title II;

4           (IV) the program of adult edu-  
5           cation and literacy activities author-  
6           ized under title III;

7           (V) the employment services pro-  
8           gram authorized under sections 1  
9           through 13 of the Wagner-Peyser Act  
10          (29 U.S.C. 49 et seq.); and

11          (VI) the program authorized  
12          under title I of the Rehabilitation Act  
13          of 1973 (29 U.S.C. 720 et seq.); other  
14          than section 112 or part C of that  
15          title (29 U.S.C. 732, 741).

16          (iii) IDENTIFICATION IN STATE  
17          PLAN.—Each State shall identify, in the  
18          State plan, expected levels of performance  
19          for each of the corresponding primary indi-  
20          cators of performance for each of the pro-  
21          grams described in clause (ii) for the first  
22          2 program years covered by the State plan.

23          (iv) AGREEMENT ON STATE AD-  
24          JUSTED LEVELS OF PERFORMANCE.—

1                   (I) FIRST 2 YEARS.—The State  
2                   shall reach agreement with the Sec-  
3                   retary of Labor and the Secretary of  
4                   Education on levels of performance  
5                   for each indicator described in clause  
6                   (iii) for each of the programs de-  
7                   scribed in clause (ii) for each of the  
8                   first 2 program years covered by the  
9                   State plan. In reaching the agree-  
10                  ment, the State and Secretaries shall  
11                  take into account the levels identified  
12                  in the State plan under clause (iii)  
13                  and the factors described in clause  
14                  (v). The levels agreed to shall be con-  
15                  sidered to be the State adjusted levels  
16                  of performance for the State for such  
17                  program years and shall be incor-  
18                  porated into the State plan prior to  
19                  the approval of such plan.

20                (II) THIRD AND FOURTH  
21                YEAR.—The State and the Secretaries  
22                shall reach agreement, prior to the  
23                third program year covered by the  
24                State plan, on levels of performance  
25                for each indicator described in clause

1 (iii) for each of the programs de-  
 2 scribed in clause (ii) for each of the  
 3 third and fourth program years cov-  
 4 ered by the State plan. In reaching  
 5 the agreement, the State and Secre-  
 6 taries shall take into account the fac-  
 7 tors described in clause (v). The levels  
 8 agreed to shall be considered to be the  
 9 State adjusted levels of performance  
 10 for the State for such program years  
 11 and shall be incorporated into the  
 12 State plan as a modification to the  
 13 plan.

14 (v) FACTORS.—In reaching the agree-  
 15 ments described in clause (iv), the State  
 16 and Secretaries shall—

17 (I) take into account how the lev-  
 18 els involved compare with the State  
 19 adjusted levels of performance estab-  
 20 lished for other States;

21 (II) ensure that the levels in-  
 22 volved are adjusted, using the objec-  
 23 tive statistical model established by  
 24 the Secretaries pursuant to clause  
 25 (viii), based on—

1                   (aa) the differences among  
2                   States in actual economic condi-  
3                   tions (including differences in un-  
4                   employment rates and job losses  
5                   or gains in particular industries);  
6                   and

7                   (bb) the characteristics of  
8                   participants when the partici-  
9                   pants entered the program in-  
10                  volved, including indicators of  
11                  poor work history, lack of work  
12                  experience, lack of educational or  
13                  occupational skills attainment,  
14                  dislocation from high-wage and  
15                  high-benefit employment, low lev-  
16                  els of literacy or English pro-  
17                  ficiency, disability status, home-  
18                  lessness, ex-offender status, and  
19                  welfare dependency);

20                  (III) take into account the extent  
21                  to which the levels involved promote  
22                  continuous improvement in perform-  
23                  ance accountability on the perform-  
24                  ance accountability measures by such



1 State and ensure optimal return on  
 2 the investment of Federal funds; and

3 ~~(IV)~~ take into account the extent  
 4 to which the levels involved will assist  
 5 the State in meeting the goals de-  
 6 scribed in clause (vi).

7 (vi) GOALS.—In order to promote en-  
 8 hanced performance outcomes and to facili-  
 9 tate the process of reaching agreements  
 10 with the States under clause (iv), the Sec-  
 11 retary of Labor and the Secretary of Edu-  
 12 cation shall establish performance goals for  
 13 the core programs, in accordance with the  
 14 Government Performance and Results Act  
 15 of 1993 and in consultation with States  
 16 and other appropriate parties. Such goals  
 17 shall be long-term goals for the adjusted  
 18 levels of performance to be achieved by  
 19 each of the programs described in clause  
 20 (ii) regarding the corresponding primary  
 21 indicators of performance described in  
 22 paragraph (2)(A).

23 ~~(vii) REVISIONS BASED ON ECONOMIC~~  
 24 ~~CONDITIONS AND INDIVIDUALS SERVED~~  
 25 ~~DURING THE PROGRAM YEAR.—The Sec-~~

retary of Labor and the Secretary of Education shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a program year and a State, to reflect the actual economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in such State.

(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (h)(2), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii).

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance

1           for each of the additional indicators identified  
 2           under paragraph (2)(B). Such levels shall be  
 3           considered to be State adjusted levels of per-  
 4           formance for purposes of this section.

5           ~~(c) LOCAL PERFORMANCE ACCOUNTABILITY MEAS-~~  
 6           ~~URES FOR TITLE II.—~~

7           ~~(1) IN GENERAL.—~~For each local area in a  
 8           State designated under section 116, the local per-  
 9           formance accountability measures for each of the  
 10          programs described in subclauses (I) through (III)  
 11          of subsection (b)(3)(A)(ii) shall consist of—

12                   ~~(A)(i)~~ the primary indicators of perform-  
 13                   ance described in subsection (b)(2)(A) that are  
 14                   applicable to such programs; and

15                   ~~(ii)~~ additional indicators of performance, if  
 16                   any, identified by the State for such programs  
 17                   under subsection (b)(2)(B); and

18                   ~~(B)~~ the local level of performance for each  
 19                   indicator described in subparagraph (A).

20          ~~(2) LOCAL LEVEL OF PERFORMANCE.—~~The  
 21          local board, the chief elected official, and the Gov-  
 22          ernor shall negotiate and reach agreement on local  
 23          levels of performance based on the State adjusted  
 24          levels of performance established under subsection  
 25          (b)(3)(A).

1           (3) ADJUSTMENT FACTORS.—In negotiating the  
 2           local levels of performance, the local board, the chief  
 3           elected official, and the Governor shall make adjust-  
 4           ments for the expected economic conditions and the  
 5           expected characteristics of participants to be served  
 6           in the local area, using the statistical adjustment  
 7           model developed pursuant to subsection  
 8           (b)(3)(A)(viii). In addition, the negotiated local lev-  
 9           els of performance applicable to a program year  
 10          shall be revised to reflect the actual economic condi-  
 11          tions experienced and the characteristics of the pop-  
 12          ulations served in the local area during such pro-  
 13          gram year using the statistical adjustment model.

14          (d) PERFORMANCE REPORTS.—

15           (1) IN GENERAL.—Not later than 12 months  
 16          after the date of enactment of this Act, the Sec-  
 17          retary of Labor and the Secretary of Education shall  
 18          jointly develop a template for performance reports  
 19          that shall be used by States, local boards, and eligi-  
 20          ble providers of training services under section 222  
 21          to report on outcomes achieved by the core pro-  
 22          grams. In developing such templates, the Secretary  
 23          of Labor and the Secretary of Education will take  
 24          into account the need to maximize the value of the  
 25          templates for workers, jobseekers, employers, local

1 elected officials, State officials, Federal policy-  
2 makers, and other key stakeholders.

3 ~~(2) CONTENTS OF STATE PERFORMANCE RE-~~  
4 ~~PORTS.—~~The performance report for a State shall  
5 include, subject to paragraph (5)(C)—

6 ~~(A)~~ information specifying the levels of  
7 performance achieved with respect to the pri-  
8 mary indicators of performance described in  
9 subsection ~~(b)(2)(A)~~ for each of the programs  
10 described in subsection ~~(b)(3)(A)(ii)~~ and the  
11 State adjusted levels of performance with re-  
12 spect to such indicators for each program;

13 ~~(B)~~ information specifying the levels of  
14 performance achieved with respect to the pri-  
15 mary indicators of performance described in  
16 subsection ~~(b)(2)(A)~~ for each of the programs  
17 described in subsection ~~(b)(3)(A)(ii)~~ with re-  
18 spect to individuals with barriers to employ-  
19 ment, disaggregated by each subpopulation of  
20 such individuals, and by race, ethnicity, sex,  
21 and age;

22 ~~(C)~~ the total number of participants served  
23 by each of the programs described in subsection  
24 ~~(b)(3)(A)(ii)~~, and the types of services provided;

1           ~~(D)~~ the number of individuals with bar-  
 2 riers to employment served by each of the pro-  
 3 grams described in subsection ~~(b)(3)(A)(ii)~~;  
 4 disaggregated by each subpopulation of such in-  
 5 dividuals;

6           ~~(E)~~ the number of participants who are en-  
 7 rolled in more than 1 of the programs described  
 8 in subsection ~~(b)(3)(A)(ii)~~; and

9           ~~(F)~~ other information that facilitates com-  
 10 parisons of programs with programs in other  
 11 States.

12           ~~(3)~~ CONTENTS OF LOCAL AREA PERFORMANCE  
 13 REPORTS.—The performance reports for a local area  
 14 shall include, subject to paragraph ~~(5)(C)~~—

15           ~~(A)~~ information specifying the levels of  
 16 performance achieved with respect to the pri-  
 17 mary indicators of performance described in  
 18 subsection ~~(b)(2)(A)~~ for each of the programs  
 19 described in subclauses ~~(I)~~ through ~~(III)~~ of sub-  
 20 section ~~(b)(3)(A)(ii)~~, and the local adjusted lev-  
 21 els of performance with respect to such indica-  
 22 tors for each program;

23           ~~(B)~~ information specifying the levels of  
 24 performance achieved with respect to the pri-  
 25 mary indicators of performance described in

1 subsection (b)(2)(A) for each of the programs  
2 described in subclauses (I) through (III) of sub-  
3 section (b)(3)(A)(ii) with respect to individuals  
4 with barriers to employment, disaggregated by  
5 each subpopulation of such individuals, and by  
6 race, ethnicity, sex, and age;

7 (C) the total number of participants served  
8 by each of the programs described in subclauses  
9 (I) through (III) of subsection (b)(3)(A)(ii);  
10 and the types of services provided;

11 (D) the number of individuals with bar-  
12 riers to employment served by each of the pro-  
13 grams described in subclauses (I) through (III)  
14 of subsection (b)(3)(A)(ii), disaggregated by  
15 each subpopulation of such individuals;

16 (E) the number of participants who are en-  
17 rolled in any of the programs described in sub-  
18 clauses (I) through (III) of subsection  
19 (b)(3)(A)(ii) who are enrolled in more than 1  
20 program described in subsection (b)(3)(A)(ii);  
21 and

22 (F) other information that facilitates com-  
23 parisons of programs with programs in other  
24 local areas (or planning regions, as appro-  
25 priate).

(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under section 222 shall include, subject to paragraph (5)(C), with respect to each program of study (or the equivalent) of such provider—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to all individuals engaging in the program of study (or the equivalent);

(B) the total number of individuals engaging in the program of study (or the equivalent);

(C) the total number of participants served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B of title II; and

(D) the number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B of title II, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.



1           (5) PUBLICATION.—

2                   (A) STATE PERFORMANCE REPORTS.—The  
3           Secretary of Labor and the Secretary of Edu-  
4           cation shall annually make available (including  
5           by electronic means), in an easily understand-  
6           able format, the performance reports for States  
7           containing the information described in para-  
8           graph (2).

9                   (B) LOCAL AREA AND ELIGIBLE TRAINING  
10           PROVIDER PERFORMANCE REPORTS.—The  
11           State shall make available (including by elec-  
12           tronic means), in an easily understandable for-  
13           mat, the performance reports for the local areas  
14           containing the information described in para-  
15           graph (3) and the performance reports for eligi-  
16           ble providers of training services containing the  
17           information described in paragraph (4).

18                   (C) RULES FOR REPORTING OF DATA.—  
19           The disaggregation of data under this sub-  
20           section shall not be required when the number  
21           of participants in a category is insufficient to  
22           yield statistically reliable information or when  
23           the results would reveal personally identifiable  
24           information about an individual participant.

(D) DISSEMINATION TO CONGRESS.—The

Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(e) EVALUATION OF STATE PROGRAMS.—

(1) IN GENERAL.—Using funds authorized

under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall conduct ongoing evaluations of activities carried out in the State under such programs. The State, local boards, and State agencies shall conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce development system. The State shall coordinate the evaluations with the evaluations provided for by the Secretary of Labor and the Sec-

1       retary of Education under section 172, section  
 2       342(e)(3)(E), section 10(b) of the Wagner-Peyser  
 3       Act (29 U.S.C. 49i(b)), and sections 12(a)(5), 14,  
 4       and 107 of the Rehabilitation Act of 1973 (29  
 5       U.S.C. 709(a)(5), 711, 727) (applied with respect to  
 6       programs carried out under title I of that Act (29  
 7       U.S.C. 720 et seq.)).

8           (2) DESIGN.—The evaluations conducted under  
 9       this subsection shall be designed in conjunction with  
 10      the State board, State agencies responsible for the  
 11      administration of the core programs, and local  
 12      boards and shall include analysis of customer feed-  
 13      back and outcome and process measures in the  
 14      statewide workforce development system. The eval-  
 15      uations shall use designs that employ the most rig-  
 16      orous analytical and statistical methods that are rea-  
 17      sonably feasible, such as the use of control groups.

18           (3) RESULTS.—The State shall annually pre-  
 19      pare, submit to the State board and local boards in  
 20      the State, and make available to the public (includ-  
 21      ing by electronic means), reports containing the re-  
 22      sults of evaluations conducted under this subsection;  
 23      to promote the efficiency and effectiveness of the  
 24      workforce development system.

1           (4) COOPERATION WITH FEDERAL EVALUA-  
 2           TIONS.—The State shall cooperate in the conduct of  
 3           evaluations (including related research projects) pro-  
 4           vided for by the Secretary of Labor or the Secretary  
 5           of Education under the provisions of Federal law  
 6           identified in paragraph (1). Such cooperation shall  
 7           include the provision of data (in accordance with ap-  
 8           propriate privacy protections established by the Sec-  
 9           retary of Labor), the provision of responses to sur-  
 10          veys, and allowing site visits in a timely manner, for  
 11          the Secretaries or their agents.

12          (f) SANCTIONS FOR STATE FAILURE TO MEET  
 13          STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

14           (1) STATES.—

15           (A) TECHNICAL ASSISTANCE.—If a State  
 16           fails to meet the State adjusted levels of per-  
 17           formance relating to indicators described in  
 18           subsection (b)(2)(A) for a program for any pro-  
 19           gram year, the Secretary of Labor and the Sec-  
 20           retary of Education shall provide technical as-  
 21           sistance, including assistance in the develop-  
 22           ment of a performance improvement plan.

23           (B) REDUCTION IN AMOUNT OF GRANT.—

24           If such failure continues for a second consec-  
 25           utive year, or if a State fails to submit a report

under subsection (d) for any program year, the Secretary of Labor or the Secretary of Education, as appropriate, may reduce by not more than 5 percent, the amount of the allotment that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.

(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary of Labor or the Secretary of Education, as appropriate, shall use any amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide technical assistance to the States the Secretaries determine to be appropriate to improve the performance of their core programs.

(g) SANCTIONS FOR LOCAL AREA FAILURE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) TECHNICAL ASSISTANCE.—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B of title II for a program described in subsection (d)(2)(A) for any

1 program year, the Governor, or upon request by the  
 2 Governor, the Secretary of Labor, shall provide tech-  
 3 nical assistance, which may include assistance in the  
 4 development of a performance improvement plan, or  
 5 the development of a modified local plan (or regional  
 6 plan).

7 (2) CORRECTIVE ACTIONS.—

8 (A) IN GENERAL.—If such failure con-  
 9 tinues for a second consecutive year, the Gov-  
 10 ernor shall take corrective actions, which shall  
 11 include development of a reorganization plan  
 12 through which the Governor may—

13 (i) require the appointment and cer-  
 14 tification of a new local board, consistent  
 15 with the criteria established under section  
 16 117(b)(1);

17 (ii) prohibit the use of eligible pro-  
 18 viders and one-stop partners identified as  
 19 achieving a poor level of performance;

20 (iii) redesignate the local area in ac-  
 21 cordance with section 116; or

22 (iv) take such other actions as the  
 23 Governor determines are appropriate.

24 (B) APPEAL BY LOCAL AREA.—

1           (i) APPEAL TO GOVERNOR.—The local  
2           board and chief elected official for a local  
3           area that is subject to a reorganization  
4           plan under subparagraph (A) may, not  
5           later than 30 days after receiving notice of  
6           the reorganization plan, appeal to the Gov-  
7           ernor to rescind or revise such plan. In  
8           such case, the Governor shall make a final  
9           decision not later than 30 days after the  
10          receipt of the appeal.

11          (ii) SUBSEQUENT ACTION.—The local  
12          board and chief elected official for a local  
13          area may, not later than 30 days after re-  
14          ceiving a decision from the Governor pur-  
15          suant to clause (i), appeal such decision to  
16          the Secretary of Labor. In such case, the  
17          Secretary shall make a final decision not  
18          later than 30 days after the receipt of the  
19          appeal.

20          (C) EFFECTIVE DATE.—The decision made  
21          by the Governor under subparagraph (B)(i)  
22          shall become effective at the time the Governor  
23          issues the decision pursuant to such clause.  
24          Such decision shall remain effective unless the

1 Secretary of Labor rescinds or revises such plan  
2 pursuant to subparagraph (B)(ii).

3 (h) DEFINITIONS OF INDICATORS OF PERFORM-  
4 ANCE.—

5 (1) IN GENERAL.—In order to ensure nation-  
6 wide comparability of performance data, the Sec-  
7 retary of Labor and the Secretary of Education,  
8 after consultation with representatives described in  
9 paragraph (2), shall issue definitions for the indica-  
10 tors described in subsection (b)(2).

11 (2) REPRESENTATIVES.—The representatives  
12 referred to in paragraph (1) are representatives of  
13 States and political subdivisions, business and indus-  
14 try, employees, eligible providers of activities carried  
15 out through the core programs, educators, research-  
16 ers, participants, the lead State agency officials with  
17 responsibility for the programs carried out through  
18 the core programs, individuals with expertise in serv-  
19 ing individuals with barriers to employment, and  
20 other interested parties.

21 (i) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-  
22 FORMATION SYSTEMS.—

23 (1) IN GENERAL.—Using funds authorized  
24 under a core program and made available to carry  
25 out this subtitle, the Governor, in coordination with



1 the State board, the State agencies administering  
2 the core programs, local boards, and chief elected of-  
3 ficials in the State, shall establish and operate a fis-  
4 cal and management accountability information sys-  
5 tem based on guidelines established by the Secretary  
6 of Labor and the Secretary of Education after con-  
7 sultation with the Governors of States, chief elected  
8 officials, and one-stop partners. Such guidelines  
9 shall promote efficient collection and use of fiscal  
10 and management information for reporting and  
11 monitoring the use of funds authorized under the  
12 core programs and for preparing the annual report  
13 described in subsection (d).

14 (2) WAGE RECORDS.—In measuring the  
15 progress of the State on State and local performance  
16 accountability measures, a State shall utilize quar-  
17 terly wage records, consistent with State law. The  
18 Secretary of Labor shall make arrangements, con-  
19 sistent with State law, to ensure that the wage  
20 records of any State are available to any other State  
21 to the extent that such wage records are required by  
22 the State in carrying out the State plan of the State  
23 or completing the annual report described in sub-  
24 section (d).

1           ~~(3) CONFIDENTIALITY.~~—In carrying out the re-  
 2           quirements of this Act, the State shall comply with  
 3           section 444 of the General Education Provisions Act  
 4           ~~(20 U.S.C. 1232g).~~

## 5       **Subtitle C—Workforce Innovation** 6               **and Replication Grants**

### 7       ~~SEC. 141. PURPOSES.~~

8           The purposes of this subtitle are—

9           ~~(1)~~ to promote the development of comprehen-  
 10          sive workforce development systems at the State, re-  
 11          gional, and local levels that reflect the alignment of  
 12          strategies and activities across the core programs  
 13          and, where appropriate, across other workforce de-  
 14          velopment, education, economic development, and  
 15          human services programs, to provide effective, high  
 16          quality, and client-centered services to job seekers  
 17          and workers, youth, and employers;

18          ~~(2)~~ to promote innovation and to improve, rep-  
 19          licate, and expand models and service delivery strat-  
 20          egies—

21               ~~(A)~~ that are of demonstrated effectiveness  
 22               in meeting the education, training, and employ-  
 23               ment needs of job seekers and workers, and  
 24               youth, including such individuals with barriers  
 25               to employment, and employers; and

1           (B) that may include—

2                   (i) industry and sector strategies, ca-  
3                   reer pathway models, and other examples  
4                   of models and strategies involving inte-  
5                   grated partnerships;

6                   (ii) models or strategies that utilize  
7                   pay for performance, prior learning, or re-  
8                   tention grants; or

9                   (iii) models or strategies that address  
10                  areas of high poverty or individuals who  
11                  are long-term unemployed, and that lead to  
12                  economic self-sufficiency; and

13           (3) to establish and improve programs for  
14           youth that engage, recover, and connect youth by  
15           providing access to career pathways that include the  
16           attainment of a recognized postsecondary credential  
17           and employment that leads to economic self-suffi-  
18           ciency.

19 **SEC. 142. WORKFORCE INNOVATION AND REPLICATION**  
20 **GRANTS.**

21           (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
22           are authorized to be appropriated to carry out this section  
23           such sums as may be necessary for each of fiscal years  
24           2014 through 2018.

1       (b) WORKFORCE INNOVATION AND REPLICATION  
2 GRANTS TO ELIGIBLE ENTITIES.—

3           (1) IN GENERAL.—From funds described in  
4 subsection (a), the Secretary of Labor and the Sec-  
5 retary of Education shall award workforce innova-  
6 tion and replication grants on a competitive basis to  
7 eligible entities.

8           (2) USE OF FUNDS.—The grants awarded  
9 under this subsection shall be used to support inno-  
10 vative new strategies and activities, which may in-  
11 clude strategies and activities with proven effective-  
12 ness in 2 or more noncontiguous areas; or the rep-  
13 lication and expansion of effective evidence-based  
14 strategies and activities, such as on-the-job training,  
15 that are designed to align programs and strengthen  
16 the workforce development system in a State or re-  
17 gion, consistent with the workforce development  
18 plans under this Act for such State or region, in  
19 order to substantially improve the education and em-  
20 ployment outcomes for adults and youth served by  
21 such system and the services provided to employers  
22 under such system.

23           (3) ELIGIBLE ENTITIES.—

24           (A) IN GENERAL.—To be eligible to receive  
25 a grant under this subsection, a State partner-

1 ship or regional entity shall meet the require-  
 2 ments of this paragraph and submit an applica-  
 3 tion in accordance with paragraph (4).

4 (B) STATE PARTNERSHIP.—For a State  
 5 partnership to be eligible for funding under this  
 6 subsection, a Governor of a State shall—

7 (i) submit the application in partner-  
 8 ship with the State board and with 1 or  
 9 more regional entities in the State de-  
 10 scribed in subparagraph (C); and

11 (ii) demonstrate that the State has—

12 (I) aligned the core programs;

13 (II) made significant progress to-  
 14 wards aligning the core programs with  
 15 other workforce development pro-  
 16 grams; and

17 (III) achieved the alignments de-  
 18 scribed in subclauses (I) and (II) con-  
 19 sistent with the State plan.

20 (C) REGIONAL ENTITIES.—To be identified  
 21 as a regional entity and to be eligible for fund-  
 22 ing under this subsection, a local board for a  
 23 local area that is aligned with a region, or all  
 24 of the local boards for local areas that comprise

1 a planning region under section 116(c), shall  
2 demonstrate that—

3 (i) the application has been developed  
4 in consultation with the State and is not  
5 duplicative of other applications under this  
6 subsection submitted by a State partner-  
7 ship; and

8 (ii) the local board, or all of the local  
9 boards for the planning region, has—

10 (I) worked with the core pro-  
11 grams to achieve alignment of such  
12 programs in the region;

13 (II) made significant progress to-  
14 wards aligning the core programs with  
15 other workforce development pro-  
16 grams in the region; and

17 (III) achieved the alignments de-  
18 scribed in subclauses (I) and (II) con-  
19 sistent with the State plan.

20 (4) APPLICATION.—An eligible entity seeking to  
21 receive a grant under this subsection shall submit to  
22 the Secretary of Labor and the Secretary of Edu-  
23 cation an application at such time, in such manner,  
24 and containing such information, consistent with  
25 this paragraph, as the Secretaries may require. Each

1 such application shall describe the innovation and  
2 replication strategies and activities, and any waivers,  
3 in accordance with appropriate authorizing statutes,  
4 necessary to implement such strategies and activi-  
5 ties, that the eligible entity will carry out to  
6 strengthen the workforce development system in the  
7 State or region in order to substantially improve the  
8 education and employment outcomes for individuals  
9 served by such system and the services provided to  
10 employers under such system, including—

11 (A) a description of the region in the State  
12 or the State, as appropriate, that will be the  
13 focus of grant activities, including analyses of  
14 economic conditions, skill needs, the workforce,  
15 and the workforce development services (includ-  
16 ing the strengths and weaknesses of such serv-  
17 ices and the capacity to provide such services)  
18 that are relevant to the proposed strategies and  
19 activities that would be carried out under the  
20 grant;

21 (B) a description of the populations to be  
22 served, including individuals with barriers to  
23 employment, and the skill needs of those popu-  
24 lations;

1           (C) a description of the promising strate-  
2           gies and activities the eligible entity is pro-  
3           posing to demonstrate, or the evidence-based  
4           strategies and activities that the eligible entity  
5           is proposing to expand or replicate;

6           (D) a description of how, in carrying out  
7           such strategies and activities, the entity will—

8                 (i) collaborate to leverage resources  
9                 among strategic partners to achieve the  
10                purposes of the grant, and to provide the  
11                matching share described in paragraph  
12                (5)(B); and

13               (ii) ensure the sustainability of the  
14                programs and activities supported by the  
15                grant after grant funds are no longer  
16                available;

17           (E) a description of how the strategies and  
18           activities will be aligned with the State plan and  
19           the local plans in the region of the State that  
20           will be the focus of grant activities;

21           (F) a description of the outcomes, includ-  
22           ing outcomes for the performance accountability  
23           measures based on indicators described in sec-  
24           tion 131(b)(2)(A)(i), to be achieved by the pro-  
25           posed strategies and activities; and



1           (G) a description of how the eligible entity  
2           will—

- 3                   (i) use technology;
- 4                   (ii) collect data;
- 5                   (iii) make data publicly available; and
- 6                   (iv) use technology and data to im-
- 7           prove program delivery, activities, and ad-
- 8           ministration.

9           (5) MATCHING REQUIREMENTS; SUPPLEMENT;  
10          NOT SUPPLANT.—

11           (A) INNOVATION FUND SHARE.—The  
12          amount of the share of the funds provided  
13          under paragraph (1) shall be not greater than  
14          50 percent of the cost of the programs and ac-  
15          tivities that are carried out under the grant.

16           (B) MATCHING SHARE.—

17                   (i) IN GENERAL.—

18                           (I) AMOUNT.—The amount of  
19          the matching share under this sub-  
20          section for a program year may not be  
21          less than 50 percent of the costs of  
22          the programs and activities that are  
23          carried out under the grant.

1           (II) IN CASH OR IN KIND.—The  
2           matching share may be in cash or in  
3           kind (fairly evaluated).

4           (III) SOURCES OF MATCHING  
5           SHARE.—

6                   (aa) IN GENERAL.—Not  
7           more than 50 percent of the  
8           matching share required under  
9           this subsection may be provided  
10          from Federal resources, of which  
11          not less than 50 percent shall be  
12          provided from Federal resources  
13          from the partner programs iden-  
14          tified in the application other  
15          than resources provided under  
16          the core programs.

17                   (bb) NON-FEDERAL  
18          SOURCES.—Non-Federal sources  
19          for the matching share may in-  
20          clude State resources, local re-  
21          sources, contributions from pri-  
22          vate organizations, or a combina-  
23          tion of such resources and con-  
24          tributions.

1                   (ii) ~~FINANCIAL HARDSHIP WAIVER.—~~

2                   The Secretary of Labor and the Secretary  
3                   of Education may waive or reduce the  
4                   matching share of an eligible entity that  
5                   has submitted an application under this  
6                   subsection if such entity demonstrates a  
7                   need for such waiver or reduction due to  
8                   extreme financial hardship as jointly de-  
9                   fined by the Secretary of Labor and the  
10                  Secretary of Education.

11                  (C) ~~SUPPLEMENT, NOT SUPPLANT.—~~The

12                  Federal and matching share required by this  
13                  subsection shall be used to supplement and not  
14                  supplant other Federal and State funds used to  
15                  carry out activities described in this subsection.

16                  (6) ~~GRANT PERIOD.—~~Grants awarded under

17                  this subsection shall be awarded for periods of not  
18                  more than 3 years in duration and may not be re-  
19                  newed.

20                  (7) ~~GEOGRAPHIC DIVERSITY.—~~In awarding

21                  grants under this subsection, the Secretary of Labor  
22                  and the Secretary of Education shall take into con-  
23                  sideration the geographic diversity, and diversity  
24                  with respect to population density, of the areas in  
25                  which projects will be carried out under this section.

1           (8) REPORTING.—The Secretary of Labor and  
 2           the Secretary of Education are authorized to estab-  
 3           lish appropriate reporting requirements for grantees  
 4           under this subsection.

5           (9) TECHNICAL ASSISTANCE AND EVALUA-  
 6           TION.—For each program year for which funds are  
 7           available to carry out this section, the Secretary of  
 8           Labor and the Secretary of Education may reserve  
 9           not more than 5 percent of the amount available to  
 10          carry out this subsection to provide technical assist-  
 11          ance to applicants and grantees under this sub-  
 12          section, and to evaluate projects carried out under  
 13          this subsection. The Secretaries shall ensure that the  
 14          results of the evaluations are publicly available (in-  
 15          cluding by electronic means).

16 **SEC. 143. YOUTH INNOVATION AND REPLICATION GRANTS.**

17          (a) PROGRAM AUTHORIZED.—There are authorized  
 18          to be appropriated to carry out this section such sums as  
 19          may be necessary for each of fiscal years 2014 through  
 20          2018.

21          (b) YOUTH INNOVATION AND REPLICATION GRANTS  
 22          TO ELIGIBLE ENTITIES.—

23                 (1) IN GENERAL.—From funds described in  
 24          subsection (a), the Secretary of Labor and the Sec-  
 25          retary of Education shall award youth innovation

1 and replication grants on a competitive basis to eligi-  
2 ble entities.

3 ~~(2) USE OF FUNDS.—~~The grants awarded  
4 under this subsection shall be used to support the  
5 demonstration of innovative new strategies and ac-  
6 tivities, or the replication and expansion of effective  
7 evidence-based strategies and activities, that are de-  
8 signed to substantially improve education and em-  
9 ployment outcomes for eligible youth. Such strate-  
10 gies and activities shall include—

11 (A) establishing career pathways in in-de-  
12 mand industry sectors and occupations for eligi-  
13 ble youth, in collaboration with other Federal,  
14 State, and local programs, such as career and  
15 technical education programs as defined in sec-  
16 tion 101, and public and private entities;

17 (B) developing and implementing a com-  
18 prehensive strategy, for an area of high poverty,  
19 that provides education and training programs,  
20 resources, and other activities that prepare  
21 youth for postsecondary education and training  
22 and for employment that leads to economic self-  
23 sufficiency;

24 (C) developing and implementing strategies  
25 and activities that provide opportunities for

1 youth with disabilities to receive education;  
2 training; and employment services that lead to  
3 a recognized postsecondary credential or inte-  
4 grated; competitive employment;

5 (D) developing and implementing evidence-  
6 based strategies and activities; such as—

7 (i) education offered concurrently and  
8 contextually with workforce preparation  
9 and training for a specific occupation or  
10 occupational cluster;

11 (ii) career academies;

12 (iii) dropout prevention and recovery  
13 strategies;

14 (iv) paid or unpaid work experience;  
15 including summer employment opportuni-  
16 ties and employment opportunities avail-  
17 able throughout the school year; combined  
18 with academic learning leading to a recog-  
19 nized postsecondary credential; or

20 (v) innovative programs for youth fac-  
21 ing multiple barriers to employment that  
22 arrange for the provision of or provide sup-  
23 portive services combined with education;  
24 training; or employment activities; or

1           ~~(E)~~ other evidence-based strategies or ac-  
 2           tivities designed to improve the education and  
 3           employment outcomes for youth.

4           ~~(3)~~ ELIGIBLE ENTITIES.—

5           (A) IN GENERAL.—To be eligible to receive  
 6           a grant under this subsection, an eligible entity  
 7           shall—

8                   (i) meet the requirements of this  
 9                   paragraph; and

10                   (ii) submit an application in accord-  
 11                   ance with paragraph (4).

12           (B) ELIGIBLE ENTITY DEFINED.—An eli-  
 13           gible entity shall include—

14                   (i)(I) the Governor of a State in co-  
 15                   ordination with the State board and with a  
 16                   local board for a local area that is aligned  
 17                   with a region; or with all local boards for  
 18                   local areas that comprise a planning re-  
 19                   gion; under section 116(c), in consultation  
 20                   with the standing committee on youth as-  
 21                   sociated with the local board; or

22                   (II) a local board for a local area that  
 23                   is aligned with a region; or all local boards  
 24                   for local areas that comprise a planning re-  
 25                   gion; under section 116(c), in consultation

with the standing committee on youth associated with the local board; and

(ii) one or more of the following:

(I) A State educational agency.

(II) A local educational agency.

(III) A nonprofit organization with expertise serving eligible youth, including a community-based organization or an intermediary.

(IV) An institution of higher education, including a community college.

(V) A joint labor-management partnership.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor and the Secretary of Education at such time, in such manner, and containing such information, consistent with this paragraph, as the Secretaries may require. Each such application shall describe the innovation and replication strategies and activities that the eligible entity will carry out to strengthen the workforce development system in the State or region in order to substantially improve education and employment outcomes for youth, such as youth with



1 disabilities, served by such system, and shall in-  
2 clude—

3 (A) a description of the region in the State  
4 or the State, as applicable, that will be the  
5 focus of grant activities, including analyses of  
6 economic conditions, skill needs, the workforce,  
7 and the workforce development services (includ-  
8 ing the strengths and weaknesses of such serv-  
9 ices and the capacity to provide such services)  
10 that are relevant to the proposed strategies and  
11 activities that would be carried out under the  
12 grant;

13 (B) a description of the youth populations  
14 to be served, including individuals with barriers  
15 to employment who are youth, and the skill  
16 needs of those populations;

17 (C) a description of the promising strate-  
18 gies and activities the eligible entity is pro-  
19 posing to demonstrate, or the evidence-based  
20 strategies and activities that the eligible entity  
21 is proposing to expand or replicate;

22 (D) a description of how the eligible entity  
23 will meaningfully involve youth in the design  
24 and implementation of the proposed strategies  
25 and activities;

1           (E) a description of how, in carrying out  
2 such strategies and activities, the eligible entity  
3 will—

4           (i) collaborate to leverage resources  
5 among strategic partners to achieve the  
6 purposes of the grant, and to provide the  
7 matching share described in paragraph  
8 (5)(B); and

9           (ii) ensure the sustainability of the  
10 programs and activities supported by the  
11 grant after grant funds are no longer  
12 available;

13          (F) a description of how the strategies and  
14 activities will be aligned with the State plan and  
15 the local plans in the region of the State that  
16 will be the focus of grant activities;

17          (G) a description of the outcomes, includ-  
18 ing outcomes for the performance accountability  
19 measures based on indicators of performance  
20 described in section 131(b)(2)(A)(ii), to be  
21 achieved by the proposed strategies and activi-  
22 ties; and

23          (H) a description of how the eligible entity  
24 will—

25           (i) use technology;

- 1 (ii) collect data;
- 2 (iii) make data publicly available; and
- 3 (iv) use technology and data to im-
- 4 prove program delivery, activities, and ad-
- 5 ministration.

6 ~~(5) MATCHING REQUIREMENTS; SUPPLEMENT,~~  
 7 ~~NOT SUPPLANT.—~~

8 (A) INNOVATION FUND SHARE.—The  
 9 amount of the share of the funds provided  
 10 under paragraph (1) shall be not greater than  
 11 50 percent of the cost of the programs and ac-  
 12 tivities that are carried out under the grant.

13 ~~(B) MATCHING SHARE.—~~

14 ~~(i) IN GENERAL.—~~

15 ~~(I) AMOUNT.—~~The amount of  
 16 the matching share under this sub-  
 17 section for a program year may not be  
 18 less than 50 percent of the costs of  
 19 the programs and activities that are  
 20 carried out under the grant.

21 ~~(II) IN CASH OR IN KIND.—~~The  
 22 matching share may be in cash or in  
 23 kind (fairly evaluated).

24 ~~(III) SOURCES OF MATCHING~~  
 25 ~~SHARE.—~~

1                   (aa) IN GENERAL.—Not  
 2                   more than 50 percent of the  
 3                   matching share required under  
 4                   this subsection may be provided  
 5                   from Federal resources, of which  
 6                   not less than 50 percent shall be  
 7                   provided from Federal resources  
 8                   from the partner programs iden-  
 9                   tified in the application other  
 10                  than resources provided under  
 11                  the core programs.

12                  (bb) NON-FEDERAL  
 13                  SOURCES.—Non-Federal sources  
 14                  for the matching share may in-  
 15                  clude State resources, local re-  
 16                  sources, contributions from pri-  
 17                  vate organizations, or a combina-  
 18                  tion of such resources and con-  
 19                  tributions.

20                  (ii) FINANCIAL HARDSHIP WAIVER.—  
 21                  The Secretary of Labor and the Secretary  
 22                  of Education may waive or reduce the  
 23                  matching share of an eligible entity that  
 24                  has submitted an application under this  
 25                  subsection if such entity demonstrates a

1           need for such waiver or reduction due to  
 2           extreme financial hardship as defined by  
 3           the Secretary of Labor and the Secretary  
 4           of Education.

5           (C) SUPPLEMENT, NOT SUPPLANT.—The  
 6           Federal and matching share required by this  
 7           subsection shall be used to supplement and not  
 8           supplant other Federal and State funds used to  
 9           carry out activities described in this subsection.

10          (6) GRANT PERIOD.—Grants awarded under  
 11          this subsection shall be awarded for periods of not  
 12          more than 3 years in duration and may not be re-  
 13          newed.

14          (7) GEOGRAPHIC DIVERSITY.—In awarding  
 15          grants under this subsection, the Secretary of Labor  
 16          and the Secretary of Education shall take into con-  
 17          sideration the geographic diversity, and diversity  
 18          with respect to population density, of the areas in  
 19          which projects will be carried out under this section.

20          (8) REPORTING.—The Secretary of Labor and  
 21          the Secretary of Education are authorized to estab-  
 22          lish appropriate reporting requirements for grantees  
 23          under this subsection.

24          (9) TECHNICAL ASSISTANCE AND EVALUA-  
 25          TION.—For each program year for which funds are

1       available to carry out this section; the Secretary of  
 2       Labor and the Secretary of Education may reserve  
 3       not more than 5 percent of the amount available to  
 4       carry out this subsection to provide technical assist-  
 5       ance to applicants and grantees under this sub-  
 6       section; and to evaluate projects carried out under  
 7       this subsection. The Secretaries shall ensure that the  
 8       results of the evaluations are publicly available (in-  
 9       cluding by electronic means).

10   **SEC. 144. INTERAGENCY AGREEMENT.**

11       (a) INTERAGENCY AGREEMENT.—The Secretary of  
 12       Education and the Secretary of Labor shall jointly develop  
 13       policies for the administration of this subtitle in accord-  
 14       ance with such terms as the Secretaries shall set forth in  
 15       an interagency agreement. Such interagency agreement, at  
 16       a minimum, shall include a description of the respective  
 17       roles and responsibilities of the Secretaries in carrying out  
 18       this subtitle (both jointly and separately), including how—

19               (1) the funds available under this subtitle will  
 20       be obligated and disbursed and compliance with ap-  
 21       plicable laws (including regulations) will be ensured;  
 22       as well as how the grantees will be selected and  
 23       monitored; and a peer review process for selection of  
 24       grantees that includes program practitioners and na-  
 25       tional experts will be carried out;

1           (2) evaluations and research will be conducted  
 2           on the effectiveness of grants awarded under this  
 3           subtitle in addressing the education and employment  
 4           needs of job seekers and workers, youth, and em-  
 5           ployers;

6           (3) technical assistance will be provided to ap-  
 7           plicants and grant recipients;

8           (4) information will be disseminated (including  
 9           by electronic means) on best practices and effective  
 10          strategies and service delivery models for activities  
 11          carried out under this subtitle; and

12          (5) policies and processes critical to the success-  
 13          ful achievement of the education, training, and em-  
 14          ployment goals of this subtitle will be established.

15          (b) TRANSFER AUTHORITY.—The Secretary of Labor  
 16          and the Secretary of Education shall have the authority  
 17          to transfer funds between the Department of Labor and  
 18          the Department of Education to carry out this subtitle in  
 19          accordance with the agreement described in subsection (a).

20          (c) REPORTS.—The Secretary of Labor and the Sec-  
 21          retary of Education shall jointly develop and submit a bi-  
 22          ennial report to the Committee on Health, Education,  
 23          Labor, and Pensions of the Senate and the Committee on  
 24          Education and the Workforce of the House of Representa-  
 25          tives, describing—

1           (1) actions the Departments have taken to—

2                (A) assess the effectiveness of the projects  
3           carried out under this subtitle; and

4                (B) facilitate the coordination of the pro-  
5           grams carried out through the grants awarded  
6           with other education, employment, and training  
7           programs;

8           (2) barriers that impede effectiveness of  
9           projects carried out under this subtitle;

10           (3) the best practices and effective strategies  
11           and service delivery models that the Departments  
12           have identified pursuant to this subtitle and actions  
13           the Departments have taken to promptly dissemi-  
14           nate information (including by electronic means) on  
15           such best practices and effective strategies and serv-  
16           ice delivery models; and

17           (4) the actions the Departments have taken to  
18           leverage resources provided under Federal law other  
19           than this subtitle and non-Federal resources; to im-  
20           prove the workforce development system nationwide;  
21           including in States, regions, and local areas that  
22           have not received funds under this subtitle.



1 **TITLE II—WORKFORCE INVEST-**  
2 **MENT AND RELATED ACTIVI-**  
3 **TIES**

4 **Subtitle A—Definition**

5 **SEC. 201. DEFINITION.**

6 In this title, the term “Secretary”, used without fur-  
7 ther description, means the Secretary of Labor.

8 **Subtitle B—Workforce Investment**  
9 **Activities and Providers**

10 **SEC. 211. PURPOSE.**

11 The purpose of this subtitle is to provide workforce  
12 investment activities, through statewide and local work-  
13 force development systems, that increase the employment,  
14 retention, economic self-sufficiency, and earnings of par-  
15 ticipants, and increase attainment of recognized postsec-  
16 ondary credentials by participants, and as a result, im-  
17 prove the quality of the workforce, reduce welfare depend-  
18 ency, increase economic self-sufficiency, meet the skill re-  
19 quirements of employers, and enhance the productivity  
20 and competitiveness of the Nation.

**CHAPTER 1—WORKFORCE INVESTMENT  
ACTIVITIES PROVIDERS**

**SEC. 221. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.**

(a) IN GENERAL.—Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—

(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;

(2) designate or certify one-stop operators under subsection (d); and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—

(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) in a local area shall—

(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the core services described in section 234(c)(2) that are applicable to the

1 program or activities available at the one-  
2 stop centers (in addition to any other ap-  
3 propriate locations);

4 (ii) use a portion of the funds avail-  
5 able for the program and activities to  
6 maintain the one-stop delivery system, in-  
7 cluding payment of the infrastructure costs  
8 of one-stop centers in accordance with sub-  
9 section (h);

10 (iii) enter into a local memorandum of  
11 understanding with the local board, relat-  
12 ing to the operation of the one-stop sys-  
13 tem, that meets the requirements of sub-  
14 section (e);

15 (iv) participate in the operation of the  
16 one-stop system consistent with the terms  
17 of the memorandum of understanding, the  
18 requirements of this title, and the require-  
19 ments of the Federal laws authorizing the  
20 program or activities; and

21 (v) provide representation on the  
22 State board to the extent provided under  
23 section 111.

1           (B) PROGRAMS AND ACTIVITIES.—The  
2 programs and activities referred to in subpara-  
3 graph (A) consist of—

4           (i) programs authorized under this  
5 title;

6           (ii) programs authorized under the  
7 Wagner-Peyser Act (29 U.S.C. 49 et seq.);

8           (iii) adult education and literacy ac-  
9 tivities authorized under title III;

10          (iv) programs authorized under title I  
11 of the Rehabilitation Act of 1973 (29  
12 U.S.C. 720 et seq.) (other than section  
13 112 or part C of title I of such Act (29  
14 U.S.C. 732, 741));

15          (v) activities authorized under title V  
16 of the Older Americans Act of 1965 (42  
17 U.S.C. 3056 et seq.);

18          (vi) career and technical education  
19 programs at the postsecondary level au-  
20 thorized under the Carl D. Perkins Career  
21 and Technical Education Act of 2006 (20  
22 U.S.C. 2301 et seq.);

23          (vii) activities authorized under chap-  
24 ter 2 of title II of the Trade Act of 1974  
25 (19 U.S.C. 2271 et seq.);

(viii) activities authorized under chapter 41 of title 38, United States Code;

(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(x) employment and training activities carried out by the Department of Housing and Urban Development;

(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);

(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and

(xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); subject to subparagraph (C).

(C) DETERMINATION BY THE GOVERNOR.—

(i) IN GENERAL.—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a

1 required partner, for purposes of this Act  
 2 and the other core program provisions that  
 3 are not part of this Act, unless the Gov-  
 4 ernor provides the notification described in  
 5 clause (ii).

6 (ii) NOTIFICATION.—The notification  
 7 referred to in clause (i) is a notification  
 8 that—

9 (I) is made in writing of a deter-  
 10 mination by the Governor not to in-  
 11 clude such entity in the one-stop part-  
 12 ners described in clause (i); and

13 (II) is provided to the Secretary  
 14 and the Secretary of Health and  
 15 Human Services.

16 (2) ADDITIONAL PARTNERS.—

17 (A) IN GENERAL.—With the approval of  
 18 the local board and chief elected official, in ad-  
 19 dition to the entities described in paragraph  
 20 (1), other entities that carry out workforce de-  
 21 velopment programs described in subparagraph  
 22 (B) may be one-stop partners for the local area  
 23 and carry out the responsibilities described in  
 24 paragraph (1)(A).

1           (B) PROGRAMS.—The programs referred  
2 to in subparagraph (A) may include—

3           (i) employment and training programs  
4 administered by the Social Security Ad-  
5 ministration, including the Ticket to Work  
6 and Self-Sufficiency Program established  
7 under section 1148 of the Social Security  
8 Act (42 U.S.C. 1320b–19);

9           (ii) employment and training pro-  
10 grams carried out by the Small Business  
11 Administration;

12           (iii) programs authorized under sec-  
13 tion 6(d)(4) of the Food and Nutrition Act  
14 of 2008 (7 U.S.C. 2015(d)(4));

15           (iv) work programs authorized under  
16 section 6(o) of the Food and Nutrition Act  
17 of 2008 (7 U.S.C. 2015(o));

18           (v) programs carried out under sec-  
19 tion 112 of the Rehabilitation Act of 1973  
20 (29 U.S.C. 732);

21           (vi) programs authorized under the  
22 National and Community Service Act of  
23 1990 (42 U.S.C. 12501 et seq.); and

24           (vii) other appropriate Federal, State,  
25 or local programs, including employment,

1 education, and training programs provided  
 2 by public libraries or in the private sector.

3 ~~(c) MEMORANDUM OF UNDERSTANDING.—~~

4 ~~(1) DEVELOPMENT.—The local board, with the~~  
 5 ~~agreement of the chief elected official, shall develop~~  
 6 ~~and enter into a memorandum of understanding (be-~~  
 7 ~~tween the local board and the one-stop partners),~~  
 8 ~~consistent with paragraph (2), concerning the oper-~~  
 9 ~~ation of the one-stop delivery system in the local~~  
 10 ~~area.~~

11 ~~(2) CONTENTS.—Each memorandum of under-~~  
 12 ~~standing shall contain—~~

13 ~~(A) provisions describing—~~

14 ~~(i) the services to be provided through~~  
 15 ~~the one-stop delivery system consistent~~  
 16 ~~with the requirements of this section, in-~~  
 17 ~~cluding the manner in which the services~~  
 18 ~~will be coordinated and delivered through~~  
 19 ~~such system;~~

20 ~~(ii) how the costs of such services and~~  
 21 ~~the operating costs of such system will be~~  
 22 ~~funded, including—~~

23 ~~(I) funding through cash and in-~~  
 24 ~~kind contributions (fairly evaluated),~~  
 25 ~~which contributions may include fund-~~



1 ing from philanthropic organizations  
2 or other private entities, or through  
3 other alternative financing options, to  
4 provide a stable and equitable funding  
5 stream for ongoing one-stop delivery  
6 system operations; and

7 (II) funding of the infrastructure  
8 costs of one-stop centers in accord-  
9 ance with subsection (h);

10 (iii) methods of referral of individuals  
11 between the one-stop operator and the one-  
12 stop partners for appropriate services and  
13 activities;

14 (iv) methods to ensure the needs of  
15 workers and youth, and individuals with  
16 barriers to employment, including individ-  
17 uals with disabilities, are addressed in the  
18 provision of necessary and appropriate ac-  
19 cess to services, including access to tech-  
20 nology and materials, made available  
21 through the one-stop delivery system; and

22 (v) the duration of the memorandum  
23 of understanding and the procedures for  
24 amending the memorandum during the du-  
25 ration of the memorandum, and assurances

1           that such memorandum shall be reviewed  
 2           not less than once every 2-year period to  
 3           ensure appropriate funding and delivery of  
 4           services; and

5           (B) such other provisions, consistent with  
 6           the requirements of this title, as the parties to  
 7           the agreement determine to be appropriate.

8       (d) ONE-STOP OPERATORS.—

9           (1) DESIGNATION AND CERTIFICATION.—Con-  
 10          sistent with paragraphs (2) and (3), the local board,  
 11          with the agreement of the chief elected official, is  
 12          authorized to designate or certify one-stop operators  
 13          and to terminate for cause the eligibility of such op-  
 14          erators.

15          (2) ELIGIBILITY.—To be eligible to receive  
 16          funds made available under this subtitle to operate  
 17          a one-stop center referred to in subsection (e), an  
 18          entity (which may be a consortium of entities)—

19               (A) shall be designated or certified as a  
 20               one-stop operator—

21                       (i) through a competitive process; or

22                       (ii) in accordance with an agreement  
 23                       reached between the local board and a con-  
 24                       sortium of entities that, at a minimum, in-

1           cludes ~~3~~ or more of the one-stop partners  
2           described in subsection (b)(1); and

3           ~~(B)~~ shall be an entity ~~(public or private);~~  
4           or consortium of entities, of demonstrated effec-  
5           tiveness, located in the local area, which may  
6           include—

7                   (i) an institution of higher education;

8                   (ii) an employment service State agen-  
9           cy established under the Wagner-Peyser  
10          Act ~~(29 U.S.C. 49 et seq.)~~, on behalf of  
11          the local office of the agency;

12                  (iii) a community-based organization,  
13          nonprofit organization, or intermediary;

14                  (iv) a private for-profit entity;

15                  (v) a government agency; and

16                  (vi) another interested organization or  
17          entity, which may include a local chamber  
18          of commerce or other business organiza-  
19          tion, or a labor organization.

20          ~~(3) EXCEPTION.—~~Elementary schools and sec-  
21          ondary schools shall not be eligible for designation  
22          or certification as one-stop operators, except that  
23          nontraditional public secondary schools and area ca-  
24          reer and technical education schools may be eligible  
25          for such designation or certification.

1           (4) ~~ADDITIONAL REQUIREMENTS.~~—The State  
2           and local boards shall ensure that in carrying out  
3           activities under this title, one-stop operators—

4                   (A) disclose any potential conflicts of inter-  
5                   est arising from the relationships of the opera-  
6                   tors with particular training service providers or  
7                   other service providers;

8                   (B) do not establish practices that create  
9                   disincentives to providing services to individuals  
10                  with barriers to employment who may require  
11                  longer-term services, such as intensive employ-  
12                  ment, training, and education services; and

13                  (C) comply with Federal regulations, and  
14                  procurement policies, relating to the calculation  
15                  and use of profits.

16       (e) ~~ESTABLISHMENT OF ONE-STOP DELIVERY SYS-~~  
17 ~~TEM.~~—

18           (1) ~~IN GENERAL.~~—There shall be established in  
19           each local area in a State that receives an allotment  
20           under section 232(b) a one-stop delivery system,  
21           which—

22                   (A) shall provide the core services de-  
23                   scribed in section 234(e)(2);

24                   (B) shall provide access to intensive serv-  
25                  ices and training services as described in para-

graphs (3) and (4) of section 234(c), including  
 serving as the point of access to training serv-  
 ices for participants in accordance with section  
 234(c)(4)(G);

(C) shall provide access to the employment  
 and training activities carried out under section  
 234(d), if any;

(D) shall provide access to programs and  
 activities carried out by one-stop partners de-  
 scribed in subsection (b); and

(E) shall provide access to the data, infor-  
 mation, and analysis described in section 15(a)  
 of the Wagner-Peyser Act (29 U.S.C. 491-2(a))  
 and all job search, placement, recruitment, and  
 other labor exchange services authorized under  
 the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) ONE-STOP DELIVERY.—The one-stop deliv-  
 ery system—

(A) at a minimum, shall make each of the  
 programs, services, and activities described in  
 paragraph (1) accessible at not less than 1  
 physical center in each local area of the State;  
 and

(B) may also make programs, services, and  
 activities described in paragraph (1) available—

1 (i) through a network of affiliated  
2 sites that can provide 1 or more of the pro-  
3 grams, services, and activities to individ-  
4 uals; and

5 (ii) through a network of eligible one-  
6 stop partners—

7 (I) in which each partner pro-  
8 vides 1 or more of the programs, serv-  
9 ices, and activities to such individuals  
10 and is accessible at an affiliated site  
11 that consists of a physical location or  
12 an electronically or technologically  
13 linked access point; and

14 (II) that assures individuals that  
15 information on the availability of the  
16 core services will be available regard-  
17 less of where the individuals initially  
18 enter the statewide workforce develop-  
19 ment system, including information  
20 made available through an access  
21 point described in subclause (I);

22 (C) may have specialized centers to ad-  
23 dress special needs, such as the needs of dis-  
24 located workers, youth, or key industry sectors  
25 or clusters; and

1           (D) as applicable and practicable, shall  
 2           make programs, services, and activities acces-  
 3           sible to individuals through electronic means in  
 4           a manner that improves efficiency, coordination,  
 5           and quality in the delivery of one-stop partner  
 6           services.

7           (3) COLOCATION OF WAGNER-PEYSER SERV-  
 8           ICES.—Consistent with section 3(d) of the Wagner-  
 9           Peyser Act (29 U.S.C. 49b(d)), and in order to im-  
 10          prove service delivery, avoid duplication of services,  
 11          and enhance coordination of services, including loca-  
 12          tion of staff to ensure access to services in under-  
 13          served areas, the employment service offices in each  
 14          State shall be colocated with one-stop centers estab-  
 15          lished under this title.

16          (4) USE OF COMMON ONE-STOP DELIVERY SYS-  
 17          TEM IDENTIFIER.—In addition to using any State or  
 18          locally developed identifier, each one-stop delivery  
 19          system shall include in the identification of products,  
 20          programs, activities, services, facilities, and related  
 21          property and materials, a common one-stop delivery  
 22          system identifier. The identifier shall be developed  
 23          by the Secretary, in consultation with heads of other  
 24          appropriate departments and agencies, and rep-  
 25          resentatives of State boards and local boards and of

1 other stakeholders in the one-stop delivery system;  
 2 not later than the beginning of the second full pro-  
 3 gram year after the date of enactment of this Act.  
 4 Such common identifier may consist of a logo,  
 5 phrase, or other identifier that informs users of the  
 6 one-stop delivery system that such products, pro-  
 7 grams, activities, services, facilities, property, or ma-  
 8 terials are being provided through such system.  
 9 Nothing in this paragraph shall be construed to pro-  
 10 hibit one-stop partners, States, or local areas from  
 11 having additional identifiers.

12 ~~(f) APPLICATION TO CERTAIN VOCATIONAL REHA-~~  
 13 ~~BILITATION PROGRAMS.—~~

14 ~~(1) LIMITATION.—~~Nothing in this section shall  
 15 be construed to apply to part C of title I of the Re-  
 16 habilitation Act of 1973 (29 U.S.C. 741).

17 ~~(2) CLIENT ASSISTANCE.—~~Nothing in this Act  
 18 shall be construed to require that any entity ear-  
 19 rying out a client assistance program authorized  
 20 under section 112 of the Rehabilitation Act of 1973  
 21 ~~(29 U.S.C. 732)—~~

22 ~~(A)~~ be included as a mandatory one-stop  
 23 partner under subsection (b)(1); or



(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—

(i) violate the requirement of section 112(e)(1)(A) of that Act (29 U.S.C. 732(e)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or

(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

(1) IN GENERAL.—The State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility in accordance with section 288 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 111(d)(7).

1           (2) CRITERIA.—The criteria and procedures de-  
2       veloped under this subsection shall include standards  
3       relating to service coordination achieved by the one-  
4       stop delivery system with respect to the programs  
5       administered by the one-stop partners at the one-  
6       stop centers. Such criteria and procedures shall—

7           (A) be developed in a manner that is con-  
8       sistent with the guidelines, guidance, and poli-  
9       cies provided by the Governor and by the State  
10      board, in consultation with the chief elected of-  
11      ficials and local boards, for such partners' par-  
12      ticipation under subsections (h)(1) and (i); and

13      (B) include such factors relating to the ef-  
14      fectiveness, accessibility, and improvement of  
15      the one-stop delivery system as the State board  
16      determines to be appropriate.

17      (3) LOCAL CRITERIA.—Consistent with the cri-  
18      teria developed under paragraph (1) by the State, a  
19      local board in the State may develop additional cri-  
20      teria (or higher levels of service coordination than  
21      required for the State-developed criteria) relating to  
22      service coordination achieved by the one-stop deliv-  
23      ery system, for purposes of assessments described in  
24      paragraph (1), in order to respond to labor market,

1 economic, and demographic, conditions and trends in  
2 the region.

3 (4) REVIEW AND UPDATE.—The criteria and  
4 procedures established under this subsection shall be  
5 reviewed and updated by the State board or the local  
6 board, as the case may be, as part of the biennial  
7 process for review and modification of State and  
8 local plans described in sections 112(c) and 118(a).

9 (h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

10 (1) IN GENERAL.—

11 (A) OPTIONS FOR INFRASTRUCTURE  
12 FUNDING.—

13 (i) LOCAL OPTIONS.—The local board,  
14 chief elected officials, and one-stop part-  
15 ners described in subsection (b)(1) in a  
16 local area may fund the costs of infrastruc-  
17 ture of one-stop centers in the local area  
18 through—

19 (I) methods agreed on by the  
20 local board, chief elected officials, and  
21 one-stop partners (described in the  
22 memorandum of understanding de-  
23 scribed in subsection (c)); or

1 (H) the State infrastructure  
2 funding mechanism described in para-  
3 graph (2).

4 (ii) FAILURE TO REACH CONSENSUS  
5 AGREEMENT ON FUNDING METHODS.—Be-  
6 ginning July 1, 2015, if the local board,  
7 chief elected officials, and one-stop part-  
8 ners described in subsection (b)(1) in a  
9 local area fail to reach consensus agree-  
10 ment on methods of sufficiently funding  
11 the costs of infrastructure of one-stop cen-  
12 ters for a program year, the State infra-  
13 structure funding mechanism described in  
14 paragraph (2) shall be applicable to such  
15 local area for that program year and for  
16 each subsequent program year for which  
17 those entities and individuals fail to reach  
18 such agreement.

19 (B) GUIDANCE FOR INFRASTRUCTURE  
20 FUNDING.—In addition to carrying out the re-  
21 quirements relating to the State infrastructure  
22 funding mechanism described in paragraph (2),  
23 the Governor, after consultation with chief  
24 elected officials, local boards, and the State  
25 board, and consistent with the guidance and

1 policies provided by the State board under sub-  
 2 paragraphs (B) and (C)(i) of section 111(d)(7),  
 3 shall provide, for the use of local areas under  
 4 subparagraph (A)(i)(I)—

5 (i) guidelines for State-administered  
 6 one-stop partner programs, for deter-  
 7 mining such programs' contributions to a  
 8 one-stop delivery system, based on such  
 9 programs' proportionate use of such sys-  
 10 tem consistent with chapter II of title 2,  
 11 Code of Federal Regulations (or any cor-  
 12 responding similar regulation or ruling),  
 13 including determining funding for the costs  
 14 of infrastructure, which contributions shall  
 15 be negotiated pursuant to the memo-  
 16 randum of understanding under subsection  
 17 (e); and

18 (ii) guidance to assist local boards,  
 19 chief elected officials, and one-stop part-  
 20 ners in local areas in determining equitable  
 21 and stable methods of funding the costs of  
 22 infrastructure of one-stop centers in such  
 23 areas.

24 ~~(2) STATE ONE-STOP INFRASTRUCTURE FUND-~~  
 25 ~~ING.—~~

1           (A) DEFINITION.—In this paragraph, the  
2           term “covered portion”, used with respect to  
3           funding for a fiscal year for a program de-  
4           scribed in subsection (b)(1), means a portion  
5           determined under subparagraph (C) of the Fed-  
6           eral funds provided to a State (including local  
7           areas within the State) under the Federal law  
8           authorizing that program described in sub-  
9           section (b)(1) for the fiscal year (taking into ac-  
10          count the availability of funding for purposes  
11          related to infrastructure from philanthropic or-  
12          ganizations, private entities, or other alternative  
13          financing options).

14          (B) PARTNER CONTRIBUTIONS.—Subject  
15          to subparagraph (D), for local areas in a State  
16          that are not covered by paragraph (1)(A)(i)(I),  
17          the covered portions of funding for a fiscal year  
18          shall be provided to the Governor from the pro-  
19          grams described in subsection (b)(1), to assist  
20          in paying the costs of infrastructure of one-stop  
21          centers in those local areas of the State not  
22          adequately funded under the option described in  
23          paragraph (1)(A)(i)(I).

24          (C) DETERMINATION OF GOVERNOR.—

1                   (i) IN GENERAL.—Subject to clause  
2                   (ii) and subparagraph (D), the Governor,  
3                   after consultation with chief elected offi-  
4                   cials, local boards, and the State board,  
5                   shall determine the portion of funds to be  
6                   provided under subparagraph (B) by each  
7                   one-stop partner from each program de-  
8                   scribed in subparagraph (B). In making  
9                   such determination for the purpose of de-  
10                  termining funding contributions, for fund-  
11                  ing pursuant to clause (i)(II) or (ii) of  
12                  paragraph (1)(A) by each partner, the  
13                  Governor shall calculate amounts for the  
14                  proportionate use of the one-stop centers  
15                  in the State, consistent with chapter II of  
16                  title 2, Code of Federal Regulations (or  
17                  any corresponding similar regulation or  
18                  ruling), taking into account the costs of  
19                  administration of the one-stop delivery sys-  
20                  tem for purposes not related to one-stop  
21                  centers, for each partner. The Governor  
22                  shall exclude from such determination of  
23                  funds the amounts for proportionate use of  
24                  one-stop centers attributable to the pro-  
25                  grams of one-stop partners for those local

1 areas of the State where the costs of infra-  
2 structure of one-stop centers are funded  
3 under the option described in paragraph  
4 ~~(1)(A)(i)(I)~~.

5 (ii) SPECIAL RULE.—In a State in  
6 which the State constitution or a State  
7 statute places policymaking authority that  
8 is independent of the authority of the Gov-  
9 ernor in an entity or official with respect  
10 to the funds provided for adult education  
11 and literacy activities authorized under  
12 title III, postsecondary career and tech-  
13 nical education activities authorized under  
14 the Carl D. Perkins Career and Technical  
15 Education Act of 1998 (20 U.S.C. 2301 et  
16 seq.); or vocational rehabilitation services  
17 offered under a provision covered by sec-  
18 tion ~~101(12)(D)~~, the determination de-  
19 scribed in clause (i) with respect to the  
20 programs authorized under that title, Act,  
21 and provision shall be made by the chief  
22 officer of the entity, or the official, with  
23 such authority in consultation with the  
24 Governor.

25 ~~(D) LIMITATIONS.—~~



(i) PROVISION FROM ADMINISTRATIVE FUNDS.—

(I) IN GENERAL.—Subject to subclause (II), the funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration.

(II) EXCEPTIONS.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(ii) CAP ON REQUIRED CONTRIBUTIONS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply:

(I) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The

1 portion of funds required to be con-  
 2 tributed under this paragraph from a  
 3 program authorized under chapter 2  
 4 or 3, or the Wagner-Peyser Act (29  
 5 U.S.C. 49 et seq.) shall not exceed 3  
 6 percent of the amount of Federal  
 7 funds provided to carry out that pro-  
 8 gram in the State for a fiscal year.

9 ~~(II) OTHER ONE-STOP PART-~~  
 10 ~~NERS.—~~The portion of funds required  
 11 to be contributed under this para-  
 12 graph from a program described in  
 13 subsection (b)(1) other than the pro-  
 14 grams described in clause (i) shall not  
 15 exceed 1.5 percent of the amount of  
 16 Federal funds provided to carry out  
 17 that program in the State for a fiscal  
 18 year.

19 ~~(III) VOCATIONAL REHABILITA-~~  
 20 ~~TION.—~~Notwithstanding subclauses  
 21 ~~(I) and (II),~~ an entity administering a  
 22 program described in subsection  
 23 ~~(b)(1)(B)(iv)~~ shall not be required to  
 24 provide from that program, under this  
 25 paragraph, a portion that exceeds—

1           (aa) 0.75 percent of the  
2           amount of Federal funds pro-  
3           vided to carry out such program  
4           in the State for the second full  
5           program year that begins after  
6           the date of enactment of this  
7           Act;

8           (bb) 1.0 percent of the  
9           amount provided to carry out  
10          such program in the State for the  
11          third full program year that be-  
12          gins after such date;

13          (cc) 1.25 percent of the  
14          amount provided to carry out  
15          such program in the State for the  
16          fourth full program year that be-  
17          gins after such date; and

18          (dd) 1.5 percent of the  
19          amount provided to carry out  
20          such program in the State for the  
21          fifth and each succeeding full  
22          program year that begins after  
23          such date.

24           (iii) FEDERAL DIRECT SPENDING PRO-  
25           GRAMS.—For local areas in a State that

1 are not covered by paragraph (1)(A)(i)(I);  
2 an entity administering a program funded  
3 with direct spending as defined in section  
4 250(c)(8) of the Balanced Budget and  
5 Emergency Deficit Control Act of 1985, as  
6 in effect on August 2, 2011 (2 U.S.C.  
7 900(c)(8)) shall not be required to provide;  
8 for purposes of this paragraph, an amount  
9 in excess of the amount determined under  
10 subparagraph (C)(i) to be equivalent to the  
11 cost of the proportionate use of the one-  
12 stop centers for the one-stop partner for  
13 such program in the State.

14 (iv) NATIVE AMERICAN PROGRAMS.—

15 One-stop partners for Native American  
16 programs established under section 266  
17 shall not be subject to the provisions of  
18 this subsection (other than this clause) or  
19 subsection (i). For purposes of subsection  
20 (c)(2)(A)(ii)(II), the method for deter-  
21 mining the appropriate portion of funds to  
22 be provided by such partners to pay for the  
23 costs of infrastructure of a one-stop center  
24 shall be determined as part of the develop-  
25 ment of the memorandum of under-

1 standing under subsection (c) for the one-  
2 stop center and shall be stated in the  
3 memorandum.

4 ~~(E) APPEAL BY ONE-STOP PARTNERS.—~~

5 The Governor shall establish a process, de-  
6 scribed under section 112(b)(2)(D)(i)(V), for a  
7 one-stop partner administering a program de-  
8 scribed in subsection (b)(1) to appeal a deter-  
9 mination regarding the portion of funds to be  
10 provided under this paragraph. Such a deter-  
11 mination may be appealed under the process on  
12 the basis that such determination is incon-  
13 sistent with the requirements of this paragraph.  
14 Such process shall ensure prompt resolution of  
15 the appeal in order to ensure the funds are dis-  
16 tributed in a timely manner, consistent with the  
17 requirements of section 282(c).

18 ~~(3) ALLOCATION BY GOVERNOR.—~~

19 ~~(A) IN GENERAL.—~~From the funds pro-  
20 vided under paragraph (1), the Governor shall  
21 allocate the funds to local areas described in  
22 subparagraph (B) in accordance with the for-  
23 mula established under subparagraph (B) for  
24 the purposes of assisting in paying the costs of  
25 infrastructure of one-stop centers.

1                   (B) ALLOCATION FORMULA.—The State  
2                   board shall develop a formula to be used by the  
3                   Governor to allocate the funds provided under  
4                   paragraph (1) to local areas not funding costs  
5                   of infrastructure under the option described in  
6                   paragraph (1)(A)(i)(I). The formula shall be  
7                   based on factors including the number of one-  
8                   stop centers in a local area, the population  
9                   served by such centers, the services provided by  
10                  such centers, and other factors relating to the  
11                  performance of such centers that the State  
12                  board determines are appropriate.

13               (4) COSTS OF INFRASTRUCTURE.—In this sub-  
14               section, the term “costs of infrastructure”, used  
15               with respect to a one-stop center, means the nonper-  
16               sonnel costs that are necessary for the general oper-  
17               ation of the one-stop center, including the rental  
18               costs of the facilities, the costs of utilities and main-  
19               tenance, equipment (including assessment-related  
20               products and assistive technology for individuals  
21               with disabilities), and technology to facilitate access  
22               to the one-stop center, including the center’s plan-  
23               ning and outreach activities.

24               (i) OTHER FUNDS.—

1           (1) IN GENERAL.—Subject to the memorandum  
2       of understanding described in subsection (c) for the  
3       one-stop delivery system involved, in addition to the  
4       funds provided to carry out subsection (h), a portion  
5       of funds made available under Federal law author-  
6       izing the programs described in subsection (b) and  
7       administered by one-stop partners, or the noncash  
8       resources available under such programs, shall be  
9       used to pay the additional costs relating to the oper-  
10      ation of the one-stop delivery system that are not  
11      paid from the funds provided under subsection (h),  
12      as determined in accordance with paragraph (3), to  
13      the extent not inconsistent with the Federal law in-  
14      volved. Such costs shall include the costs of the pro-  
15      vision of core services described in section 234(c)(2)  
16      applicable to each program and may include common  
17      costs that are not paid from the funds provided  
18      under subsection (h).

19           (2) SHARED SERVICES.—The costs described  
20      under paragraph (1) may include costs of services  
21      that are authorized for and may be commonly pro-  
22      vided through the one-stop partner programs to any  
23      individual, such as initial intake, assessment of  
24      needs, appraisal of basic skills, identification of ap-

1 appropriate services to meet such needs; referrals to  
 2 other one-stop partners; and other similar services.

3 ~~(3)~~ DETERMINATION AND GUIDANCE.—The  
 4 method for determining the appropriate portion of  
 5 funds and noncash resources to be provided by the  
 6 one-stop partner for each program under paragraph  
 7 (1) for a one-stop center shall be determined as part  
 8 of the development of the memorandum of under-  
 9 standing under subsection (c) for the one-stop center  
 10 and shall be stated in the memorandum. The State  
 11 board shall provide guidance to facilitate the deter-  
 12 mination, for purposes of the memorandum of un-  
 13 derstanding, of an appropriate allocation of the  
 14 funds and noncash resources in local areas, con-  
 15 sistent with the requirements of section  
 16 111(d)(7)(C)(i).

17 **SEC. 222. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**  
 18 **TRAINING SERVICES.**

19 (a) ELIGIBILITY.—

20 (1) IN GENERAL.—Except as provided in sub-  
 21 section (h), the Governor, after consultation with the  
 22 State board, shall establish criteria, information re-  
 23 quirements, and procedures regarding the eligibility  
 24 of providers of training services to receive funds pro-



1 vided under section 223(b) for the provision of train-  
2 ing services in local areas in the State.

3 ~~(2) PROVIDERS.~~—Subject to the provisions of  
4 this section, to be eligible to receive those funds for  
5 the provision of training services, the provider shall  
6 be—

7 (A) an institution of higher education that  
8 provides a program that leads to a recognized  
9 postsecondary credential;

10 (B) an entity that carries out programs  
11 registered under the Act of August 16, 1937  
12 (commonly known as the “National Apprentice-  
13 ship Act”, 50 Stat. 664, chapter 662, 29  
14 U.S.C. 50 et seq.); or

15 (C) another public or private provider of a  
16 program of training services, which may include  
17 joint labor-management organizations, and eli-  
18 gible providers of adult education and literacy  
19 activities under title III if such activities are  
20 provided in combination with occupational skills  
21 training.

22 ~~(3) INCLUSION IN LIST OF ELIGIBLE PRO-~~  
23 ~~VIDERS.~~—A provider described in subparagraph (A)  
24 or (C) of paragraph (2) shall comply with the cri-  
25 teria, information requirements, and procedures es-

1        tablished under this section to be included on the list  
 2        of eligible providers of training services described in  
 3        subsection (d). A provider described in paragraph  
 4        (2)(B) shall be included and maintained on the list  
 5        of eligible providers of training services described in  
 6        subsection (d) for so long as the corresponding pro-  
 7        gram of the provider remains registered as described  
 8        in paragraph (2)(B).

9        (b) CRITERIA AND INFORMATION REQUIREMENTS.—

10        (1) STATE CRITERIA.—In establishing criteria  
 11        pursuant to subsection (a), the Governor shall take  
 12        into account each of the following:

13                (A) The performance of providers of train-  
 14                ing services with respect to—

15                        (i) the performance accountability  
 16                        measures and other matters for which in-  
 17                        formation is required under paragraph (2);  
 18                        and

19                        (ii) other appropriate measures of per-  
 20                        formance outcomes determined by the Gov-  
 21                        ernor for those participants receiving train-  
 22                        ing services under this subtitle (taking into  
 23                        consideration the characteristics of the  
 24                        population served and relevant economic  
 25                        conditions); and the outcomes of the pro-

1           gram through which those training services  
2           were provided for students in general with  
3           respect to employment and earnings as de-  
4           fined under section 131(b)(2).

5           (B) The need to ensure access to training  
6           services throughout the State, including  
7           through the use of technology.

8           (C) Information reported to State agencies  
9           with respect to Federal and State programs in-  
10          volving training services (other than the pro-  
11          gram carried out under this subtitle), including  
12          one-stop partner programs.

13          (D) The requirements for State licensing  
14          of providers of training services, and the licens-  
15          ing status of providers of training services if  
16          applicable.

17          (E) Ways in which the criteria can encour-  
18          age, to the extent practicable, the providers to  
19          use industry-recognized certificates or certifi-  
20          cations.

21          (F) The ability of the providers to offer  
22          programs that lead to recognized postsecondary  
23          credentials.

24          (G) The quality of a program of training  
25          services, including a program of training serv-

1           ices that leads to a recognized postsecondary  
2           credential.

3           (H) The ability of the providers to provide  
4           training services to individuals who are em-  
5           ployed and individuals with barriers to employ-  
6           ment.

7           (I) Such other factors as the Governor de-  
8           termines are appropriate to ensure—

9                 (i) the accountability of the providers;

10                (ii) that the one-stop centers in the  
11                State will ensure that such providers meet  
12                the needs of local employers and partici-  
13                pants;

14                (iii) the informed choice of partici-  
15                pants among training services providers;  
16                and

17                (iv) that the collection of information  
18                required to demonstrate compliance with  
19                the criteria is not unduly burdensome or  
20                costly to providers.

21           (2) STATE INFORMATION REQUIREMENTS.—

22           The information requirements established by the  
23           Governor shall require that a provider of training  
24           services submit appropriate, accurate, and timely in-  
25           formation to the State, to enable the State to carry

1 out subsection (d), with respect to participants re-  
 2 ceiving training services under this subtitle in the  
 3 applicable program, including—

4 (A) information on the performance of the  
 5 provider with respect to the performance ac-  
 6 countability measures described in section 131  
 7 for such participants (taking into consideration  
 8 the characteristics of the population served and  
 9 relevant economic conditions); and information  
 10 specifying the percentage of such participants  
 11 who entered unsubsidized employment in an oc-  
 12 cupation related to the program, to the extent  
 13 practicable;

14 (B) information on recognized postsec-  
 15 ondary credentials received by such partici-  
 16 pants;

17 (C) information on program costs (such as  
 18 costs of tuition and fees) for participants in the  
 19 program;

20 (D) information on the program comple-  
 21 tion rate for such participants; and

22 (E) information on the criteria described  
 23 in paragraph (1).

24 ~~(3) LOCAL CRITERIA AND INFORMATION RE-~~  
 25 ~~QUIREMENTS.—~~A local board in the State may es-

1       tablish criteria and information requirements in ad-  
2       dition to the criteria and information requirements  
3       established by the Governor, or may require higher  
4       levels of performance than required for the criteria  
5       established by the Governor, for purposes of deter-  
6       mining the eligibility of providers of training services  
7       to receive funds described in subsection (a) for the  
8       provision of training services in the local area in-  
9       volved.

10           (4) ~~CRITERIA AND INFORMATION REQUIRE-~~  
11       ~~MENTS TO ESTABLISH INITIAL ELIGIBILITY.—~~

12           (A) ~~PURPOSE.~~—The purpose of this para-  
13       graph is to enable the providers of programs  
14       carried out under chapter 3 to offer the highest  
15       quality training services and be responsive to  
16       in-demand and emerging industries by pro-  
17       viding training services for those industries.

18           (B) ~~INITIAL ELIGIBILITY.~~—Providers may  
19       seek initial eligibility under this paragraph as  
20       providers of training services. The criteria and  
21       information requirements established by the  
22       Governor under this paragraph shall require  
23       that a provider who has not previously been an  
24       eligible provider of training services under this  
25       section (or section 122 of the Workforce Invest-

1           ment Act of 1998, as in effect on the day before  
2           the date of enactment of this Act) provide the  
3           information described in subparagraph (C).

4           (C) INFORMATION.—The provider shall  
5           provide verifiable program-specific performance  
6           information based on criteria established by the  
7           State as described in subparagraph (D) that  
8           supports the provider's ability to serve partici-  
9           pants under this subtitle.

10          (D) CRITERIA.—The criteria described in  
11          subparagraph (C) shall include at least—

12               (i) a factor related to indicators de-  
13               scribed in section 131;

14               (ii) a factor concerning whether the  
15               provider is in a partnership with business;

16               (iii) other factors that indicate high-  
17               quality training services; and

18               (iv) a factor concerning alignment of  
19               the training services with industries pro-  
20               jected to have potential for employment op-  
21               portunities, to the extent practicable.

22          (E) PROVISION.—The provider shall pro-  
23          vide the information described in subparagraph  
24          (C) to the Governor and the local board in a  
25          manner that will permit the Governor and the

1 local board to make a decision on inclusion of  
2 the provider on the list of eligible providers de-  
3 scribed in subsection (d).

4 ~~(c) PROCEDURES.—~~

5 ~~(1) APPLICATION PROCEDURES.—~~The proce-  
6 dures established under subsection (a) shall identify  
7 the application process for a provider of training  
8 services to become eligible to receive funds provided  
9 under section 233(b) for the provision of training  
10 services. The procedures shall identify the respective  
11 roles of the State and local areas in receiving and  
12 reviewing the applications and in making determina-  
13 tions of such eligibility based on the criteria, infor-  
14 mation, and procedures established under this sec-  
15 tion. The procedures shall also establish a process  
16 for a provider of training services to appeal a denial  
17 or termination of eligibility under this section that  
18 includes an opportunity for a hearing and prescribes  
19 appropriate time limits to ensure prompt resolution  
20 of the appeal.

21 ~~(2) RENEWAL PROCEDURES.—~~The procedures  
22 established by the Governor shall also provide for bi-  
23 ennial review and renewal of eligibility under this  
24 section for providers of training services.



1       (d) LIST AND INFORMATION TO ASSIST PARTICI-  
2 PANTS IN CHOOSING PROVIDERS.—

3           (1) IN GENERAL.—In order to facilitate and as-  
4 sist participants in choosing employment and train-  
5 ing activities and in choosing providers of training  
6 services, the Governor shall ensure that an appro-  
7 priate list of providers determined to be eligible  
8 under this section to offer a program in the State  
9 (and, as appropriate, in a local area), accompanied  
10 by information identifying the recognized postsec-  
11 ondary credential offered by the provider and other  
12 appropriate information, is provided to the one-stop  
13 delivery system in the State.

14           (2) ACCOMPANYING INFORMATION.—The ae-  
15 ccompanying information shall—

16           (A) with respect to providers described in  
17 subparagraphs (A) and (C) of subsection (a)(2),  
18 consist of information provided by such pro-  
19 viders, disaggregated by local areas served, as  
20 applicable, in accordance with subsection (b);

21           (B) with respect to providers described in  
22 subsection (b)(4), consist of information pro-  
23 vided by such providers in accordance with sub-  
24 section (b)(4); and

1           (C) such other information as the Gov-  
2           ernor determines to be appropriate.

3           ~~(3) AVAILABILITY.—~~The list and the accom-  
4           panying information shall be made available to such  
5           participants and to members of the public through  
6           the one-stop delivery system in the State, in a man-  
7           ner that does not reveal personally identifiable infor-  
8           mation about an individual participant.

9           ~~(c) OPPORTUNITY TO SUBMIT COMMENTS.—~~In es-  
10          tablishing, under this section, criteria, information re-  
11          quirements, procedures, and the list of eligible providers  
12          described in subsection (d), the Governor shall provide an  
13          opportunity for interested members of the public to make  
14          recommendations and submit comments regarding such  
15          criteria, information requirements, procedures, and list.

16          ~~(f) ENFORCEMENT.—~~

17               ~~(1) IN GENERAL.—~~The procedures established  
18          under this section shall provide the following:

19               ~~(A) INTENTIONALLY SUPPLYING INAC-~~  
20               ~~CURATE INFORMATION.—~~Upon a determination,  
21               by an individual or entity specified in the proce-  
22               dures, that a provider of training services, or  
23               individual providing information on behalf of  
24               the provider, violated this section (or section  
25               122 of the Workforce Investment Act of 1998,

1 as in effect on the day before the date of enact-  
2 ment of this Act) by intentionally supplying in-  
3 accurate information under this section, the eli-  
4 gibility of such provider to receive funds under  
5 chapter 3 shall be terminated for a period of  
6 time that is not less than 2 years.

7 (B) SUBSTANTIAL VIOLATIONS.—Upon a  
8 determination, by an individual or entity speci-  
9 fied in the procedures, that a provider of train-  
10 ing services substantially violated any require-  
11 ment under this title (or title I of the Work-  
12 force Investment Act of 1998, as in effect on  
13 the day before such date of enactment), the eli-  
14 gibility of such provider to receive funds under  
15 chapter 3 for the program involved may be ter-  
16 minated, or other appropriate action may be  
17 taken.

18 (C) REPAYMENT.—A provider of training  
19 services whose eligibility is terminated under  
20 subparagraph (A) or (B) shall be liable for the  
21 repayment of funds received under chapter 5 of  
22 subtitle B of title I of the Workforce Invest-  
23 ment Act of 1998, as in effect on the day before  
24 such date of enactment, or chapter 3 of this

1 subtitle during a period of violation described in  
 2 such subparagraph.

3 ~~(2) CONSTRUCTION.~~—Paragraph ~~(1)~~ shall be  
 4 construed to provide remedies and penalties that  
 5 supplement, but shall not supplant, civil and criminal  
 6 remedies and penalties specified in other provisions  
 7 of law.

8 ~~(g) AGREEMENTS WITH OTHER STATES.~~—States  
 9 may enter into agreements, on a reciprocal basis, to permit  
 10 eligible providers of training services to accept individual  
 11 training accounts provided in another State.

12 ~~(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,~~  
 13 ~~INCUMBENT WORKER TRAINING, AND OTHER TRAINING~~  
 14 ~~EXCEPTIONS.~~—

15 ~~(1) IN GENERAL.~~—Providers of on-the-job  
 16 training, customized training, incumbent worker  
 17 training, internships, and paid or unpaid work experience  
 18 opportunities, or transitional employment  
 19 shall not be subject to the requirements of subsections  
 20 (a) through (g).

21 ~~(2) COLLECTION AND DISSEMINATION OF INFORMATION.~~—A one-stop operator in a local area  
 22 shall collect such performance information from providers  
 23 of on-the-job training, customized training, incumbent  
 24 worker training, internships, paid or un-  
 25

1       paid work experience opportunities, and transitional  
2       employment as the Governor may require, and use  
3       the information to determine whether the providers  
4       meet such performance criteria as the Governor may  
5       require. The one-stop operator shall disseminate in-  
6       formation identifying such providers that meet the  
7       criteria as eligible providers, and the performance  
8       information, through the one-stop delivery system.  
9       Providers determined to meet the criteria shall be  
10      considered to be identified as eligible providers of  
11      training services.

12      (i) ~~TRANSITION PERIOD FOR IMPLEMENTATION.—~~  
13      The Governor and local boards shall implement the re-  
14      quirements of this section not later than 12 months after  
15      the date of enactment of this Act. In order to facilitate  
16      early implementation of this section, the Governor may es-  
17      tablish transition procedures under which providers eligi-  
18      ble to provide training services under chapter 5 of subtitle  
19      B of title I of the Workforce Investment Act of 1998, as  
20      such chapter was in effect on the day before the date of  
21      enactment of this Act, may continue to be eligible to pro-  
22      vide such services until December 31, 2015, or until such  
23      earlier date as the Governor determines to be appropriate.

1 **SEC. 223. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**  
2 **VESTMENT ACTIVITIES.**

3 (a) IN GENERAL.—From the funds allocated under  
4 section 228(b) to a local area, the local board for such  
5 area shall award grants or contracts on a competitive basis  
6 to providers of youth workforce investment activities iden-  
7 tified based on the criteria in the State plan, as described  
8 in section 112(b)(2)(D)(i)(VI) and shall conduct oversight  
9 with respect to such providers.

10 (b) EXCEPTIONS.—A local board may award grants  
11 or contracts on a sole-source basis if such board deter-  
12 mines there is an insufficient number of eligible providers  
13 of youth workforce investment activities in the local area  
14 involved (such as a rural area) for grants and contracts  
15 to be awarded on a competitive basis under subsection (a).

16 **CHAPTER 2—YOUTH WORKFORCE**  
17 **INVESTMENT ACTIVITIES**

18 **SEC. 226. GENERAL AUTHORIZATION.**

19 The Secretary shall make an allotment under section  
20 227(b)(1)(C) to each State that meets the requirements  
21 of section 112 or 113 and a grant under section  
22 227(b)(1)(B) to each outlying area that complies with the  
23 requirements of this title, to assist the State or outlying  
24 area, and to enable the State or outlying area to assist  
25 local areas, for the purpose of providing workforce invest-

1 ment activities for eligible youth in the State or outlying  
2 area and in the local areas.

3 **SEC. 227. STATE ALLOTMENTS.**

4 (a) IN GENERAL.—The Secretary shall—

5 (1) for each fiscal year for which the amount  
6 appropriated under section 236(a) exceeds  
7 \$1,000,000,000, reserve a portion (but not more  
8 than \$10,000,000) of the amount appropriated  
9 under section 236(a) to provide youth workforce in-  
10 vestment activities under section 267 (relating to mi-  
11 grant and seasonal farmworkers); and

12 (2) use the remainder of the amount appro-  
13 priated under section 236(a) for a fiscal year to  
14 make allotments and grants in accordance with sub-  
15 section (b).

16 (b) ALLOTMENT AMONG STATES.—

17 (1) YOUTH WORKFORCE INVESTMENT ACTIVI-  
18 TIES.—

19 (A) NATIVE AMERICANS.—From the  
20 amount appropriated under section 236(a) for a  
21 fiscal year that is not reserved under subsection  
22 (a)(1), the Secretary shall reserve not more  
23 than 1½ percent of such amount to provide  
24 youth workforce investment activities under sec-  
25 tion 266 (relating to Native Americans).

(B) OUTLYING AREAS.—

(i) IN GENERAL.—From the amount appropriated under section 236(a) for each fiscal year that is not reserved under subsection (a)(1) and subparagraph (A), the Secretary shall reserve not more than  $\frac{1}{4}$  of 1 percent of such amount to provide assistance to the outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(ii) LIMITATION FOR OUTLYING AREAS.—

(I) COMPETITIVE GRANTS.—The Secretary shall use funds reserved under clause (i) to award grants to outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pa-



1            Pacific Region Educational Laboratory  
2            in Honolulu, Hawaii.

3            (III) ADMINISTRATIVE COSTS.—

4            The Secretary may provide not more  
5            than 5 percent of the funds made  
6            available for grants under subclause  
7            (I) to pay the administrative costs of  
8            the Pacific Region Educational Lab-  
9            oratory in Honolulu, Hawaii, regard-  
10          ing activities assisted under this  
11          clause.

12          (iii) ADDITIONAL REQUIREMENT.—

13          The provisions of section 501 of Public  
14          Law 95-134 (48 U.S.C. 1469a), permit-  
15          ting the consolidation of grants by the out-  
16          lying areas, shall not apply to assistance  
17          provided to those areas, including Palau,  
18          under this subparagraph.

19          (C) STATES.—

20          (i) IN GENERAL.—From the remain-  
21          der of the amount appropriated under sec-  
22          tion 236(a) for a fiscal year that exists  
23          after the Secretary determines the  
24          amounts to be reserved under subsection  
25          (a)(1) and subparagraphs (A) and (B), the

Secretary shall make allotments to the States in accordance with clause (ii):

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the amount described in clause (i), the Secretary shall allot—

(I)  $33\frac{1}{3}$  percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

(II)  $33\frac{1}{3}$  percent on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(III)  $33\frac{1}{3}$  percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

1 (I) MINIMUM PERCENTAGE.—

2 The Secretary shall ensure that no  
3 State shall receive an allotment per-  
4 centage under this subparagraph for a  
5 fiscal year that is less than 90 percent  
6 of the allotment percentage of the  
7 State for the preceding fiscal year.

8 (II) MAXIMUM PERCENTAGE.—

9 Subject to subclause (I), the Secretary  
10 shall ensure that no State shall re-  
11 ceive an allotment percentage under  
12 this subparagraph for a fiscal year  
13 that is more than 130 percent of the  
14 allotment percentage of the State for  
15 the preceding fiscal year.

16 (iv) SMALL STATE MINIMUM ALLOT-  
17 MENT.—Subject to clause (iii), the Sec-  
18 retary shall ensure that no State shall re-  
19 ceive an allotment under this subparagraph  
20 that is less than the total of—

21 (I)  $\frac{3}{10}$  of 1 percent of  
22 \$1,000,000,000, from the remainder  
23 described in clause (i) for the fiscal  
24 year; and

1 (H) if the remainder described in  
 2 clause (i) for the fiscal year exceeds  
 3 \$1,000,000,000,  $\frac{2}{5}$  of 1 percent of  
 4 the excess.

5 (2) DEFINITIONS.—In paragraph (1):

6 (A) ALLOTMENT PERCENTAGE.—The term  
 7 “allotment percentage”, used with respect to  
 8 fiscal year 2014 or a subsequent fiscal year,  
 9 means a percentage of the remainder described  
 10 in paragraph (1)(C)(i) that is received by the  
 11 State involved through an allotment made  
 12 under this subsection for the fiscal year. The  
 13 term, used with respect to fiscal year 2013,  
 14 means the percentage of the amount allotted to  
 15 States under chapter 4 of subtitle B of title I  
 16 of the Workforce Investment Act of 1998 (as in  
 17 effect on the day before the date of enactment  
 18 of this Act) that is received by the State in-  
 19 volved for fiscal year 2013.

20 (B) DISADVANTAGED YOUTH.—Subject to  
 21 paragraph (3), the term “disadvantaged youth”  
 22 means an individual who—

23 (i) is age 16 through 21; and

24 (ii) received an income; or is a mem-  
 25 ber of a family that received a total family

1 income, that, in relation to family size,  
 2 does not exceed 150 percent of the poverty  
 3 line.

4 ~~(3)~~ SPECIAL RULE.—For purposes of the for-  
 5 mula specified in paragraph (1)(C)(ii), the Secretary  
 6 shall, as appropriate and to the extent practicable,  
 7 exclude college students and members of the Armed  
 8 Forces from the determination of the number of dis-  
 9 advantaged youth.

10 ~~(c)~~ REALLOTMENT.—

11 ~~(1)~~ IN GENERAL.—The Secretary shall, in ac-  
 12 cordance with this subsection, realLOT to eligible  
 13 States amounts that are made available to States  
 14 from allotments made under this section or a cor-  
 15 responding provision of the Workforce Investment  
 16 Act of 1998 for youth workforce investment activi-  
 17 ties and statewide workforce investment activities  
 18 (referred to individually in this subsection as a  
 19 “State allotment”) and that are available for realLOT-  
 20 ment.

21 ~~(2)~~ AMOUNT.—The amount available for real-  
 22 lotment for a program year is equal to the amount  
 23 by which the unobligated balance from State allot-  
 24 ments to the State at the end of the program year  
 25 prior to the program year for which the determina-

1       tion is made, exceeds 10 percent of the total amount  
2       of funds available to the State for that prior pro-  
3       gram year, consisting of the State allotment to the  
4       State for such prior program year (and amounts  
5       from State allotments to the State, for all program  
6       years before that prior program year, that remained  
7       available).

8           (3) REALLOTMENT.—In making reallotments to  
9       eligible States of amounts available pursuant to  
10      paragraph (2) for a program year, the Secretary  
11      shall allot to each eligible State an amount based on  
12      the relative amount of the State allotment for the  
13      program year for which the determination is made,  
14      as compared to the total amount of the State allot-  
15      ments for all eligible States for such program year.

16          (4) ELIGIBILITY.—For purposes of this sub-  
17      section, an eligible State means a State that does  
18      not have an amount available for reallotment under  
19      paragraph (2) for the program year for which the  
20      determination under paragraph (2) is made.

21          (5) PROCEDURES.—The Governor shall pre-  
22      scribe uniform procedures for the obligation of funds  
23      by local areas within the State in order to avoid the  
24      requirement that funds be made available for reallo-  
25      tment under this subsection. The Governor shall fur-

1       ther prescribe equitable procedures for making funds  
 2       available from the State and local areas in the event  
 3       that a State is required to make funds available for  
 4       reallotment under this subsection.

5   **SEC. 228. WITHIN STATE ALLOCATIONS.**

6       ~~(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—~~

7           ~~(1) IN GENERAL.—~~The Governor shall reserve  
 8       not more than 15 percent of each of the amounts al-  
 9       lotted to the State under section 227(b)(1)(C) and  
 10      paragraphs (1)(B) and (2)(B) of section 232(b) for  
 11      a fiscal year for statewide workforce investment ac-  
 12      tivities.

13          ~~(2) USE OF FUNDS.—~~Regardless of whether the  
 14      reserved amounts were allotted under section  
 15      227(b)(1)(C), or under paragraph (1)(B) or (2)(B)  
 16      of section 232(b), the Governor may use the re-  
 17      served amounts to carry out statewide activities  
 18      under section 229(b) or statewide employment and  
 19      training activities, for adults or dislocated workers,  
 20      under section 234(a).

21      ~~(b) WITHIN STATE ALLOCATIONS.—~~

22          ~~(1) IN GENERAL.—~~Of the amount allotted to  
 23      the State under section 227(b)(1)(C) and not re-  
 24      served under subsection (a)(1)—

(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

(2) ESTABLISHED FORMULA.—

(A) IN GENERAL.—Subject to subparagraph (B), of the portion described in paragraph (1)(A), the Governor shall allocate—

(i)  $33\frac{1}{3}$  percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

(ii)  $33\frac{1}{3}$  percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and



(iii)  $33\frac{1}{3}$  percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

(B) MINIMUM AND MAXIMUM PERCENTAGES.—

(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

(C) DEFINITIONS.—In this paragraph:

(i) ALLOCATION PERCENTAGE.—The term “allocation percentage”, used with re-

spect to fiscal year 2014 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2013, means the percentage of the amount allocated to local areas under chapter 4 of subtitle B of title I of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received by the local area involved for fiscal year 2013.

(ii) **DISADVANTAGED YOUTH.**—Subject to subparagraph (D), the term “disadvantaged youth” means an individual who—

(I) is age 16 through 24; and

(II) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed 150 percent of the poverty line.

(D) **SPECIAL RULE.**—For purposes of the formula specified in subparagraph (A), the Gov-

error shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local boards.

(4) LOCAL ADMINISTRATIVE COST LIMIT.—

(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 233(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 3.

(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 3, regardless of whether the funds were allocated under this subsection or section 233(b).

(c) REALLOCATION AMONG LOCAL AREAS.—

1           (1) ~~IN GENERAL.~~—The Governor may, in ac-  
2           cordance with this subsection and after consultation  
3           with the State Board, reallocate to eligible local  
4           areas within the State amounts that are made avail-  
5           able to local areas from allocations made under this  
6           section or a corresponding provision of the Work-  
7           force Investment Act of 1998 for youth workforce  
8           investment activities (referred to individually in this  
9           subsection as a “local allocation”) and that are  
10          available for reallocation.

11          (2) ~~AMOUNT.~~—

12                (A) ~~IN GENERAL.~~—The amount available  
13                for reallocation for a program year is equal to  
14                the amount by which the balance that is unobli-  
15                gated and unencumbered for training services  
16                at the end of the program year prior to the pro-  
17                gram year for which the determination is made,  
18                exceeds 10 percent of the total amount of funds  
19                available to the local area for that prior pro-  
20                gram year, consisting of the local allocation to  
21                the local area for such prior program year (and  
22                amounts from local allocations to the local area,  
23                for all program years before that prior program  
24                year, that remained available).

1           ~~(B)~~ BALANCE OF FUNDS.—For purposes  
2 of this paragraph, the balance that is unobli-  
3 gated and unencumbered for training services is  
4 the amount that is the difference between—

5           (i) the total amount of funds available  
6 to the local area under this section for that  
7 prior program year, consisting of the local  
8 allocation to the local area for such prior  
9 program year (and amounts from local al-  
10 locations to the local area, for all program  
11 years before that prior program year, that  
12 remained available); and

13          (ii) the amount, from that total  
14 amount of available funds, that is obligated  
15 or encumbered (in accordance with gen-  
16 erally accepted accounting principles) for  
17 training services during such prior pro-  
18 gram year, except that for purposes of this  
19 paragraph the amount included as encum-  
20 bered for training services shall not exceed  
21 10 percent of the total amount of available  
22 funds described in clause (i).

23          ~~(3)~~ REALLOCATION.—In making reallocations  
24 to eligible local areas of amounts available pursuant  
25 to paragraph ~~(2)~~ for a program year, the Governor

1 shall allocate to each eligible local area within the  
 2 State an amount based on the relative amount of the  
 3 local allocation for the program year for which the  
 4 determination is made, as compared to the total  
 5 amount of the local allocations for all eligible local  
 6 areas for such program year.

7 (4) ~~ELIGIBILITY.~~—For purposes of this sub-  
 8 section, an eligible local area means a local area that  
 9 does not have an amount available for reallocation  
 10 under paragraph (2) for the program year for which  
 11 the determination under paragraph (2) is made.

12 (5) ~~GUIDANCE AND TECHNICAL ASSISTANCE.~~—  
 13 Not later than 90 days after the date of enactment  
 14 of this Act, the Secretary shall issue guidance for  
 15 implementing this subsection, and guidance for im-  
 16 plementing section 233(c), including for calculating  
 17 the amount of funds that are unobligated and the  
 18 amount of funds that are unencumbered for training  
 19 services. The Secretary shall also provide technical  
 20 assistance to local areas regarding the implementa-  
 21 tion of this subsection.

22 **SEC. 229. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**  
 23 **MENT ACTIVITIES.**

24 (a) ~~YOUTH PARTICIPANT ELIGIBILITY.~~—

25 (1) ~~ELIGIBILITY.~~—

1           (A) IN GENERAL.—To be eligible to par-  
2           ticipate in activities carried out under this  
3           chapter during any program year an individual  
4           shall, at the time the eligibility determination is  
5           made, be an out-of-school youth or an in-school  
6           youth.

7           (B) OUT-OF-SCHOOL YOUTH.—In this title,  
8           the term “out-of-school youth” means an indi-  
9           vidual who is—

10           (i) not attending any school (as de-  
11           fined under State law);

12           (ii) not younger than age 16 or older  
13           than age 24; and

14           (iii) one or more of the following:

15           (I) A school dropout.

16           (II) A youth who is within the  
17           age of compulsory school attendance;  
18           but has not attended school for at  
19           least the most recent complete school  
20           year calendar quarter.

21           (III) A recipient of a secondary  
22           school diploma or its recognized equiv-  
23           alent who is a low-income individual  
24           and is—

25           (aa) basic skills deficient; or

1                   (bb) an English language  
2 learner.

3                   (IV) An individual who is subject  
4 to the juvenile or adult justice system.

5                   (V) A homeless individual (as de-  
6 fined in section 41403(6) of the Vio-  
7 lence Against Women Act of 1994 (42  
8 U.S.C. 14043e-2(6)), except that  
9 clauses (i)(IV) and (iii) of subpara-  
10 graph (B) of such section shall not  
11 apply), a homeless child or youth (as  
12 defined in section 725(2) of the  
13 McKinney-Vento Homeless Assistance  
14 Act (42 U.S.C. 11434a(2)), except  
15 that subparagraph (B)(iv) of such sec-  
16 tion shall not apply), a runaway, in  
17 foster care or has aged out of the fos-  
18 ter care system, a child eligible for as-  
19 sistance under section 477 of the So-  
20 cial Security Act (42 U.S.C. 677), or  
21 in an out-of-home placement.

22                   (VI) An individual who is preg-  
23 nant or parenting.

24                   (VII) A youth who is an indi-  
25 vidual with a disability.



1                   (VIII) A low-income individual  
 2                   who requires additional assistance to  
 3                   enter or complete an educational pro-  
 4                   gram or to secure or hold employ-  
 5                   ment.

6                   (C) ~~IN-SCHOOL YOUTH.~~—In this section,  
 7                   the term “in-school youth” means an individual  
 8                   who is—

9                   (i) attending school (as defined by  
 10                  State law);

11                  (ii) not younger than age 14 or (un-  
 12                  less an individual with a disability who is  
 13                  attending school under State law) older  
 14                  than age 21;

15                  (iii) a low-income individual; and

16                  (iv) one or more of the following:

17                       (I) Basic skills deficient.

18                       (II) An English language learner.

19                       (III) An offender.

20                       (IV) A homeless individual (as  
 21                  defined in section 41403(6) of the Vi-  
 22                  olence Against Women Act of 1994  
 23                  (42 U.S.C. 14043e-2(6)), except that  
 24                  clauses (i)(IV) and (iii) of subpara-  
 25                  graph (B) of such section shall not

1 apply), a homeless child or youth (as  
 2 defined in section 725(2) of the  
 3 ~~McKinney-Vento Homeless Assistance~~  
 4 ~~Act (42 U.S.C. 11434a(2))~~, except  
 5 that subparagraph (B)(iv) of such sec-  
 6 tion shall not apply), a runaway, in  
 7 foster care or has aged out of the fos-  
 8 ter care system, a child eligible for as-  
 9 sistance under section 477 of the So-  
 10 cial Security Act (42 U.S.C. 677), or  
 11 in an out-of-home placement.

12 (V) Pregnant or parenting.

13 (VI) A youth who is an individual  
 14 with a disability.

15 (VII) An individual who requires  
 16 additional assistance to complete an  
 17 educational program or to secure or  
 18 hold employment.

19 (2) SPECIAL RULE.—For the purpose of this  
 20 subsection, the term “low-income”, used with respect  
 21 to an individual, also includes a youth living in a  
 22 high-poverty area.

23 (3) EXCEPTION AND LIMITATION.—

24 (A) EXCEPTION FOR PERSONS WHO ARE  
 25 NOT LOW-INCOME INDIVIDUALS.—

1 (i) DEFINITION.—In this subpara-  
 2 graph, the term “covered individual”  
 3 means an in-school youth, or an out-of-  
 4 school youth who is described in subclause  
 5 (III) or (VIII) of paragraph (1)(B)(iii).

6 (ii) EXCEPTION.—In each local area,  
 7 not more than 5 percent of the individuals  
 8 assisted under this section may be persons  
 9 who would be covered individuals, except  
 10 that the persons are not low-income indi-  
 11 viduals.

12 (B) LIMITATION.—In each local area, not  
 13 more than 5 percent of the in-school youth as-  
 14 sisted under this section may be eligible under  
 15 paragraph (1) because the youth are in-school  
 16 youth described in paragraph (1)(C)(iv)(VII).

17 (4) OUT-OF-SCHOOL PRIORITY.—

18 (A) IN GENERAL.—For any program year,  
 19 not less than 75 percent of the funds available  
 20 for statewide activities under subsection (b),  
 21 and not less than 75 percent of funds available  
 22 to local areas under subsection (c), shall be  
 23 used to provide youth workforce investment ac-  
 24 tivities for out-of-school youth.

1           ~~(B) EXCEPTION.—~~A State that receives a  
 2           minimum allotment under section 227(b)(1) in  
 3           accordance with section 227(b)(1)(C)(iv) or  
 4           under section 232(b)(1) in accordance with sec-  
 5           tion 232(b)(1)(B)(v) may decrease the percent-  
 6           age described in subparagraph (A) for a local  
 7           area in the State, if—

8                   (i) after an analysis of the in-school  
 9                   youth and out-of-school youth populations  
 10                  in the local area, the State determines that  
 11                  the local area will be unable to use at least  
 12                  75 percent of the funds available for activi-  
 13                  ties under subsection (c) to serve out-of-  
 14                  school youth due to a low number of out-  
 15                  of-school youth; and

16                  (ii)(I) the State submits to the Sec-  
 17                  retary, for the local area, a request includ-  
 18                  ing a proposed decreased percentage for  
 19                  purposes of subparagraph (A); and a sum-  
 20                  mary of the analysis described in clause  
 21                  (i); and

22                  (II) the request is approved by the  
 23                  Secretary.

24           ~~(5) CONSISTENCY WITH COMPULSORY SCHOOL~~  
 25           ATTENDANCE LAWS.—In providing assistance under

1 this section to an individual who is required to at-  
 2 tend school under applicable State compulsory school  
 3 attendance laws; the priority in providing such as-  
 4 sistance shall be for the individual to attend school  
 5 regularly.

6 ~~(b) STATEWIDE ACTIVITIES.—~~

7 ~~(1) IN GENERAL.—~~Funds reserved by a Gov-  
 8 ernor as described in sections 228(a) and 233(a)(1)  
 9 shall be used, regardless of whether the funds were  
 10 allotted to the State under section 227(b)(1)(C) or  
 11 under paragraph (1)(B) or (2)(B) of section 232(b)  
 12 for statewide activities, which may include—

13 ~~(A) conducting—~~

14 ~~(i) evaluations under section 131(e) of~~  
 15 ~~activities authorized under this chapter~~  
 16 ~~and chapter 3 in coordination with evalua-~~  
 17 ~~tions carried out by the Secretary under~~  
 18 ~~section 270(a);~~

19 ~~(ii) research related to meeting the~~  
 20 ~~education and employment needs of youth;~~  
 21 ~~and~~

22 ~~(iii) demonstration projects related to~~  
 23 ~~meeting the education and employment~~  
 24 ~~needs of youth;~~

1           (B) providing assistance to local areas as  
2           described in clauses (i) and (ii) of section  
3           ~~116(e)(1)(B)~~, for local coordination of activities  
4           carried out under this title;

5           (C) in order to build capacity, providing  
6           technical assistance to, as appropriate, local  
7           boards, chief elected officials, one-stop opera-  
8           tors, one-stop partners, and eligible providers,  
9           in local areas, which provision of technical as-  
10          sistance shall include the development and  
11          training of staff, the development of exemplary  
12          program activities, the provision of technical as-  
13          sistance to local areas that fail to meet local  
14          performance accountability measures described  
15          in section ~~131(e)~~, and the provision of tech-  
16          nology to facilitate remote access to services  
17          provided through the one-stop delivery system  
18          in the State;

19          (D) operating a fiscal and management ac-  
20          countability information system under section  
21          ~~131(i)~~;

22          (E) carrying out monitoring and oversight  
23          of activities carried out under this chapter and  
24          chapter 3, which may include a review com-

1       paring the services provided to male and female  
2       youth;

3               (F) providing additional assistance to local  
4       areas that have high concentrations of eligible  
5       youth;

6               (G) supporting the development of alter-  
7       native programs and other activities that en-  
8       hance the choices available to eligible youth and  
9       encourage such youth to reenter and complete  
10      secondary education, enroll in postsecondary  
11      education and advanced training, progress  
12      through a career pathway, and enter employ-  
13      ment that leads to economic self-sufficiency;

14              (H) supporting the provision of core serv-  
15      ices described in section 234(c)(2) in the one-  
16      stop delivery system in the State; and

17              (I) supporting financial literacy, includ-  
18      ing—

19                      (i) supporting the ability of partici-  
20                      pants to create household budgets, initiate  
21                      savings plans, and make informed financial  
22                      decisions about education, retirement,  
23                      home ownership, wealth building, or other  
24                      savings goals;

1           (ii) supporting the ability to manage  
2           spending, credit, and debt, including credit  
3           card debt, effectively;

4           (iii) increasing awareness of the avail-  
5           ability and significance of credit reports  
6           and credit scores in obtaining credit, in-  
7           cluding determining their accuracy (and  
8           how to correct inaccuracies in the reports  
9           and scores), and their effect on credit  
10          terms;

11          (iv) supporting the ability to under-  
12          stand, evaluate, and compare financial  
13          products, services, and opportunities; and

14          (v) supporting activities that address  
15          the particular financial literacy needs of  
16          non-English speakers, including providing  
17          the support through the development and  
18          distribution of multilingual financial lit-  
19          eracy and education materials.

20          (2) LIMITATION.—Not more than 5 percent of  
21          the funds allotted to a State under section  
22          227(b)(1)(C) shall be used by the State for adminis-  
23          trative activities carried out under this subsection or  
24          section 234(a).

25          (c) LOCAL ELEMENTS AND REQUIREMENTS.—



1           (1) PROGRAM DESIGN.—Funds allocated to a  
2           local area for eligible youth under section 228(b)  
3           shall be used to carry out, for eligible youth, pro-  
4           grams that—

5                   (A) provide an objective assessment of the  
6                   academic levels, skill levels, and service needs of  
7                   each participant, which assessment shall include  
8                   a review of basic skills, occupational skills, prior  
9                   work experience, employability, interests, apti-  
10                  tudes (including interests and aptitudes for  
11                  nontraditional jobs), supportive service needs,  
12                  and developmental needs of such participant,  
13                  for the purpose of identifying appropriate serv-  
14                  ices and career pathways for participants, ex-  
15                  cept that a new assessment of a participant is  
16                  not required if the provider carrying out such  
17                  a program determines it is appropriate to use  
18                  a recent assessment of the participant con-  
19                  ducted pursuant to another education or train-  
20                  ing program;

21                   (B) develop service strategies for each par-  
22                  ticipant that are directly linked to 1 or more of  
23                  the indicators of performance described in sec-  
24                  tion 131(b)(2)(A)(ii); and that shall identify ca-  
25                  reer pathways that include education and em-

1       ployment goals (including, in appropriate cir-  
 2       cumstances, nontraditional employment), appro-  
 3       priate achievement objectives, and appropriate  
 4       services for the participant taking into account  
 5       the assessment conducted pursuant to subpara-  
 6       graph (A); except that a new service strategy  
 7       for a participant is not required if the provider  
 8       carrying out such a program determines it is  
 9       appropriate to use a recent service strategy de-  
 10      veloped for the participant under another edu-  
 11      cation or training program; and

12           (C) provide—

13               (i) activities leading to the attainment  
 14               of a secondary school diploma or its recog-  
 15               nized equivalent, or a recognized postsec-  
 16               ondary credential;

17               (ii) preparation for postsecondary  
 18               educational and training opportunities;

19               (iii) strong linkages between academic  
 20               instruction (based on State academic con-  
 21               tent and student academic achievement  
 22               standards established under section 1111  
 23               of the Elementary and Secondary Edu-  
 24               cation Act of 1965 (20 U.S.C. 6311)) and  
 25               occupational education that lead to the at-

1           tainment of recognized postsecondary cre-  
2           dentials;

3           (iv) preparation for unsubsidized em-  
4           ployment opportunities, in appropriate  
5           cases; and

6           (v) effective connections to employers,  
7           including small employers, in in-demand  
8           industry sectors and occupations of the  
9           local and regional labor markets.

10        (2) PROGRAM ELEMENTS.—In order to support  
11        the attainment of a secondary school diploma or its  
12        recognized equivalent, entry into postsecondary edu-  
13        cation, and career readiness for participants, the  
14        programs described in paragraph (1) shall provide  
15        elements consisting of—

16           (A) tutoring, study skills training, instruc-  
17           tion, and dropout prevention strategies that  
18           lead to completion of the requirements for a  
19           secondary school diploma or its recognized  
20           equivalent (including a recognized certificate of  
21           attendance or similar document for individuals  
22           with disabilities) or for a recognized postsec-  
23           ondary credential;

24           (B) alternative secondary school services,  
25           as appropriate;

1           (C) paid and unpaid work experiences that  
 2           have as a component academic and occupational  
 3           education, which may include—

4                   (i) summer employment opportunities  
 5                   and other employment opportunities avail-  
 6                   able throughout the school year;

7                   (ii) pre-apprenticeship programs;

8                   (iii) internships and job shadowing;

9                   and

10                  (iv) on-the-job training opportunities;

11           (D) occupational skill training;

12           (E) education offered concurrently with  
 13           and in the same context as workforce prepara-  
 14           tion activities and training for a specific occu-  
 15           pation or occupational cluster;

16           (F) leadership development opportunities,  
 17           which may include community service and peer-  
 18           centered activities encouraging responsibility  
 19           and other positive social and civic behaviors, as  
 20           appropriate;

21           (G) supportive services;

22           (H) adult mentoring for the period of par-  
 23           ticipation and a subsequent period, for a total  
 24           of not less than 12 months;

1           (I) followup services for not less than 12  
2           months after the completion of participation, as  
3           appropriate;

4           (J) comprehensive guidance and coun-  
5           seling, which may include drug and alcohol  
6           abuse counseling and referral, as appropriate;

7           (K) financial literacy education;

8           (L) entrepreneurial skills training;

9           (M) services that provide labor market and  
10          employment information about in-demand in-  
11          dustry sectors or occupations available in the  
12          local area, such as career awareness, career  
13          counseling, and career exploration services; and

14          (N) activities that help youth prepare for  
15          and transition to postsecondary education and  
16          training.

17        (3) ADDITIONAL REQUIREMENTS.—

18           (A) INFORMATION AND REFERRALS.—

19        Each local board shall ensure that each partici-  
20        pant shall be provided—

21           (i) information on the full array of ap-  
22           plicable or appropriate services that are  
23           available through the local board or other  
24           eligible providers or one-stop partners, in-

cluding those providers or partners receiving funds under this subtitle; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.

~~(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.—~~Each eligible provider of a program of youth workforce investment activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

~~(C) INVOLVEMENT IN DESIGN AND IMPLEMENTATION.—~~The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

1           (4) PRIORITY.—Not less than 20 percent of the  
 2 funds allocated to the local area as described in  
 3 paragraph (1) shall be used to provide in-school  
 4 youth and out-of-school youth with activities under  
 5 paragraph (2)(C).

6           (5) RULE OF CONSTRUCTION.—Nothing in this  
 7 chapter shall be construed to require that each of  
 8 the elements described in subparagraphs of para-  
 9 graph (2) be offered by each provider of youth serv-  
 10 ices.

11          (6) PROHIBITIONS.—

12           (A) PROHIBITION AGAINST FEDERAL CON-  
 13 TROL OF EDUCATION.—No provision of this Act  
 14 shall be construed to authorize any department,  
 15 agency, officer, or employee of the United  
 16 States to exercise any direction, supervision, or  
 17 control over the curriculum, program of instruc-  
 18 tion, administration, or personnel of any edu-  
 19 cational institution, school, or school system, or  
 20 over the selection of library resources, text-  
 21 books, or other printed or published instruc-  
 22 tional materials by any educational institution,  
 23 school, or school system.

24           (B) NONINTERFERENCE AND NON-  
 25 REPLACEMENT OF REGULAR ACADEMIC RE-

QUIREMENTS.—No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(7) LINKAGES.—In coordinating the programs authorized under this section, local boards shall establish linkages with local educational agencies responsible for services to participants as appropriate.

(8) VOLUNTEERS.—The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

## **CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAIN- ING ACTIVITIES**

### **SEC. 231. GENERAL AUTHORIZATION.**

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 232(b) to each State that meets the requirements of section 112 or 113 and grants under paragraphs (1)(A) and (2)(A) of section 232(b) to each outlying area that complies with the requirements of this title, to assist the State or outlying



1 area, and to enable the State or outlying area to assist  
 2 local areas, for the purpose of providing workforce invest-  
 3 ment activities for adults, and dislocated workers, in the  
 4 State or outlying area and in the local areas.

5 **SEC. 232. STATE ALLOTMENTS.**

6 (a) IN GENERAL.—The Secretary shall—

7 (1) make allotments and grants from the  
 8 amount appropriated under section 236(b) for a fis-  
 9 cal year in accordance with subsection (b)(1); and

10 (2)(A) reserve 20 percent of the amount appro-  
 11 priated under section 236(e) for the fiscal year for  
 12 use under subsection (b)(2)(A); and under sections  
 13 269(b) (relating to dislocated worker technical as-  
 14 sistance), 270(e) (relating to dislocated worker  
 15 projects), and 271 (relating to national dislocated  
 16 worker grants) other than subsections (b)(1)(E), (e),  
 17 and (f) of that section; and

18 (B) make allotments from 80 percent of the  
 19 amount appropriated under section 236(e) for the  
 20 fiscal year in accordance with subsection (b)(2)(B).

21 (b) ALLOTMENT AMONG STATES.—

22 (1) ADULT EMPLOYMENT AND TRAINING AC-  
 23 TIVITIES.—

24 (A) RESERVATION FOR OUTLYING  
 25 AREAS.—

1           (i) ~~IN GENERAL.—~~From the amount  
2           made available under subsection (a)(1) for  
3           a fiscal year, the Secretary shall reserve  
4           not more than  $\frac{1}{4}$  of 1 percent of such  
5           amount to provide assistance to the out-  
6           lying areas.

7           (ii) ~~APPLICABILITY OF ADDITIONAL~~  
8           ~~REQUIREMENTS.—~~From the amount re-  
9           served under clause (i), the Secretary shall  
10          provide assistance to the outlying areas for  
11          adult employment and training activities  
12          and statewide workforce investment activi-  
13          ties in accordance with the requirements of  
14          section 227(b)(1)(B).

15         ~~(B) STATES.—~~

16                 (i) ~~IN GENERAL.—~~After determining  
17                 the amount to be reserved under subpara-  
18                 graph (A), the Secretary shall allot the  
19                 amount made available under subsection  
20                 (a)(1) for that fiscal year to the States  
21                 pursuant to clause (ii) for adult employ-  
22                 ment and training activities and statewide  
23                 workforce investment activities.

1           (ii) FORMULA.—Subject to clauses  
2           (iii), (iv), and (v), of the remainder, the  
3           Secretary shall allot—

4                   (I) 40 percent on the basis of the  
5                   relative number of unemployed indi-  
6                   viduals in areas of substantial unem-  
7                   ployment in each State, compared to  
8                   the total number of unemployed indi-  
9                   viduals in areas of substantial unem-  
10                  ployment in all States;

11                  (II) 25 percent on the basis of  
12                  the relative number of individuals in  
13                  the civilian labor force in each State,  
14                  compared to the total number of such  
15                  individuals in all States; and

16                  (III) 35 percent on the basis of  
17                  the relative number of disadvantaged  
18                  adults in each State, compared to the  
19                  total number of disadvantaged adults  
20                  in all States, except as described in  
21                  clause (iii).

22           (iii) CALCULATION.—In determining  
23           an allotment under clause (ii)(III) for any  
24           State in which there is a local area whose  
25           governing body is the governing body of a

concentrated employment program described in section 117(e)(1)(C), the allotment shall be calculated by counting, for that local area, the higher of—

(I) the number of adults in families with an income below 150 percent of the poverty line in such area; or

(II) the number of disadvantaged adults in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—

In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.

(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a

1           fiscal year that is more than 130 per-  
 2           cent of the allotment percentage of  
 3           the State for the preceding fiscal year.

4           (v) ~~SMALL STATE MINIMUM ALLOT-~~  
 5           ~~MENT.~~—Subject to clause (iii), the Sec-  
 6           retary shall ensure that no State shall re-  
 7           ceive an allotment under this subparagraph  
 8           that is less than the total of—

9                   (I) ~~3/10~~ of 1 percent of  
 10           \$960,000,000, from the remainder de-  
 11           scribed in clause (i) for the fiscal  
 12           year; and

13                   (II) if the remainder described in  
 14           clause (i) for the fiscal year exceeds  
 15           \$960,000,000, ~~2/5~~ of 1 percent of the  
 16           excess.

17           (C) ~~DEFINITIONS.~~—In this paragraph:

18                   (i) ~~ADULT.~~—The term “adult” means  
 19           an individual who is not less than age 22  
 20           and not more than age 72.

21                   (ii) ~~ALLOTMENT PERCENTAGE.~~—The  
 22           term “allotment percentage”, used with re-  
 23           spect to fiscal year 2014 or a subsequent  
 24           fiscal year, means a percentage of the re-  
 25           mainder described in subparagraph (B)(i)

1 that is received by the State involved  
2 through an allotment made under this  
3 paragraph for the fiscal year. The term,  
4 used with respect to fiscal year 2013,  
5 means the percentage of the amount allot-  
6 ted to States under section 132(b)(1)(B)  
7 of the Workforce Investment Act of 1998  
8 (as in effect on the day before the date of  
9 enactment of this Act) that is received by  
10 the State involved for fiscal year 2013.

11 (iii) AREA OF SUBSTANTIAL UNEM-  
12 PLOYMENT.—The term “area of substan-  
13 tial unemployment” means any area that is  
14 of sufficient size and scope to sustain a  
15 program of workforce investment activities  
16 carried out under this subtitle and that  
17 has an average rate of unemployment of at  
18 least 6.5 percent for the most recent 12  
19 months, as determined by the Secretary.  
20 For purposes of this clause, determinations  
21 of areas of substantial unemployment shall  
22 be made once each fiscal year.

23 (iv) DISADVANTAGED ADULT.—Sub-  
24 ject to subparagraph (D), the term “dis-  
25 advantaged adult” means an adult who re-

ceived an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed 150 percent of the poverty line.

(D) DISADVANTAGED ADULT SPECIAL RULE.—For purposes of the formula specified in clauses (ii) and (iii) of subparagraph (B), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.

(2) DISLOCATED WORKER EMPLOYMENT AND TRAINING.—

(A) RESERVATION FOR OUTLYING AREAS.—

(i) IN GENERAL.—From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than  $\frac{1}{4}$  of 1 percent of the amount appropriated under section 236(e) for the fiscal year to provide assistance to the outlying areas.

(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—From the amount re-

served under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the requirements of section 227(b)(1)(B).

~~(B)~~ STATES.—

(i) IN GENERAL.—The Secretary shall allot the amount made available under subsection (a)(2)(B) for that fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clause (iii), of such amount, the Secretary shall allot—

(I)  $33\frac{1}{3}$  percent on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

(II)  $33\frac{1}{3}$  percent on the basis of the relative excess number of unemployed individuals in each State, com-



pared to the total excess number of  
unemployed individuals in all States;  
and

(III)  $33\frac{1}{3}$  percent on the basis of  
the relative number of individuals in  
each State who have been unemployed  
for 15 weeks or more, compared to  
the total number of individuals in all  
States who have been unemployed for  
15 weeks or more.

(iii) MINIMUM AND MAXIMUM PER-  
CENTAGES AND MINIMUM ALLOTMENTS.—

In making allotments under this subpara-  
graph, the Secretary shall ensure the fol-  
lowing:

(I) MINIMUM PERCENTAGE AND  
ALLOTMENT.—The Secretary shall en-  
sure that no State shall receive an al-  
lotment for a fiscal year that is less  
than an amount based on 90 percent  
of the allotment percentage of the  
State for the preceding fiscal year.

(II) MAXIMUM PERCENTAGE.—  
Subject to subclause (I), the Secretary  
shall ensure that no State shall re-

1 receive an allotment percentage for a  
2 fiscal year that is more than 130 per-  
3 cent of the allotment percentage of  
4 the State for the preceding fiscal year.

5 (C) DEFINITIONS.—In this paragraph:

6 (i) EXCESS NUMBER.—The term “ex-  
7 cess number” means, used with respect to  
8 the excess number of unemployed individ-  
9 uals within a State, the number that rep-  
10 resents the number of unemployed individ-  
11 uals in excess of 4.5 percent of the civilian  
12 labor force in the State.

13 (ii) ALLOTMENT PERCENTAGE.—The  
14 term “allotment percentage”, used with re-  
15 spect to fiscal year 2014 or a subsequent  
16 fiscal year, means a percentage of the  
17 amount described in subparagraph (B)(i)  
18 that is received by the State involved  
19 through an allotment made under this  
20 paragraph for the fiscal year. The term,  
21 used with respect to fiscal year 2013,  
22 means the percentage of the amount allot-  
23 ted to States under section 132(b)(2)(B)  
24 of the Workforce Investment Act of 1998  
25 (as in effect on the day before the date of

1                   enactment of this Act) that is received by  
2                   the State involved for fiscal year 2013.

3       ~~(c) REALLOTMENT.—~~

4               ~~(1) IN GENERAL.—~~The Secretary shall, in ac-  
5       cordance with this subsection, reallo~~t~~ to eligible  
6       States amounts that are made available to States  
7       from allotments made under this section or a cor-  
8       responding provision of the Workforce Investment  
9       Act of 1998 for employment and training activities  
10      and statewide workforce investment activities (re-  
11      ferred to individually in this subsection as a “State  
12      allotment”) and that are available for reallo~~t~~ment.

13              ~~(2) AMOUNT.—~~The amount available for real-  
14      lotment for a program year for programs funded  
15      under subsection ~~(b)(1)(B)~~ (relating to adult em-  
16      ployment and training) or for programs funded  
17      under subsection ~~(b)(2)(B)~~ (relating to dislocated  
18      worker employment and training) is equal to the  
19      amount by which the unobligated balance from State  
20      allotments to the State for adult employment and  
21      training activities or dislocated worker employment  
22      and training activities, respectively, at the end of the  
23      program year prior to the program year for which  
24      the determination is made, exceeds 10 percent of the  
25      total amount of funds available to the State for that

1 prior program year, consisting of the State allotment  
 2 to the State for such prior program year (and  
 3 amounts from State allotments to the State, for all  
 4 program years before that prior program year, for  
 5 adult employment and training activities or dis-  
 6 located worker employment and training activities,  
 7 respectively, that remained available).

8 (3) REALLOTMENT.—In making reallocations to  
 9 eligible States of amounts available pursuant to  
 10 paragraph (2) for a program year, the Secretary  
 11 shall allot to each eligible State an amount based on  
 12 the relative amount of the State allotment under  
 13 paragraph (1)(B) or (2)(B), respectively, of sub-  
 14 section (b) for the program year for which the deter-  
 15 mination is made, as compared to the total amount  
 16 of the State allotments under paragraph (1)(B) or  
 17 (2)(B), respectively, of subsection (b) for such pro-  
 18 gram year.

19 (4) ELIGIBILITY.—For purposes of this sub-  
 20 section, an eligible State means—

21 (A) with respect to funds allotted through  
 22 a State allotment for adult employment and  
 23 training activities, a State that does not have  
 24 an amount of such funds available for reallo-  
 25 tment under paragraph (2) for the program year

1           for which the determination under paragraph  
2           (2) is made; and

3           ~~(B)~~ with respect to funds allotted through  
4           a State allotment for dislocated worker employ-  
5           ment and training activities; a State that does  
6           not have an amount of such funds available for  
7           reallotment under paragraph (2) for the pro-  
8           gram year for which the determination under  
9           paragraph (2) is made.

10          ~~(5) PROCEDURES.—~~The Governor shall pre-  
11          scribe uniform procedures for the obligation of funds  
12          by local areas within the State in order to avoid the  
13          requirement that funds be made available for reallot-  
14          ment under this subsection. The Governor shall fur-  
15          ther prescribe equitable procedures for making funds  
16          available from the State and local areas in the event  
17          that a State is required to make funds available for  
18          reallotment under this subsection.

19   **SEC. 233. WITHIN STATE ALLOCATIONS.**

20          ~~(a) RESERVATIONS FOR STATE ACTIVITIES.—~~

21               ~~(1) STATEWIDE WORKFORCE INVESTMENT AC-~~  
22               ~~TIVITIES.—~~The Governor shall make the reservation  
23               required under section 228(a).

24               ~~(2) STATEWIDE RAPID RESPONSE ACTIVI-~~  
25               ~~TIES.—~~The Governor shall reserve not more than 25

percent of the total amount allotted to the State under section 232(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 234(a)(2)(A).

(b) WITHIN STATE ALLOCATION.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate—

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 232(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 232(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) FORMULA ALLOCATIONS.—

(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) **ALLOCATION.**—In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate—

(I) 40 percent of the funds on the basis described in section 232(b)(1)(B)(ii)(I);

(II) 25 percent of the funds on the basis described in section 232(b)(1)(B)(ii)(II); and

(III) 35 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 232(b)(1)(B).

(ii) **MINIMUM PERCENTAGE.**—Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116, the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations

to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term “allocation percentage”—

(I) used with respect to fiscal year 2012 or 2013, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received by the local area involved for fiscal year 2012 or 2013, respectively; and

(II) used with respect to fiscal year 2014 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i) that is received by the local area involved through an allocation made under this subparagraph for the fiscal year.

(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) FORMULA.—In allocating the funds described in paragraph (1)(B) to



1 local areas, a State shall allocate the funds  
2 based on an allocation formula prescribed  
3 by the Governor of the State. Such for-  
4 mula may be amended by the Governor not  
5 more than once for each program year.  
6 Such formula shall utilize the most appro-  
7 priate information available to the Gov-  
8 ernor to distribute amounts to address the  
9 State's worker readjustment assistance  
10 needs.

11 (ii) INFORMATION.—The information  
12 described in clause (i) shall include insured  
13 unemployment data, unemployment con-  
14 centrations, plant closing and mass layoff  
15 data, declining industries data, farmer-  
16 rancher economic hardship data, and long-  
17 term unemployment data.

18 (iii) MINIMUM PERCENTAGE.—Effec-  
19 tive at the end of the second full fiscal year  
20 after the date on which a local area is des-  
21 ignated under section 116, the local area  
22 shall not receive an allocation percentage  
23 for a fiscal year that is less than 90 per-  
24 cent of the average allocation percentage of  
25 the local area for the 2 preceding fiscal

1 years. Amounts necessary for increasing  
2 such allocations to local areas to comply  
3 with the preceding sentence shall be ob-  
4 tained by ratably reducing the allocations  
5 to be made to other local areas under this  
6 subparagraph.

7 (iv) DEFINITION.—In this subpara-  
8 graph, the term “allocation percentage”—

9 (I) used with respect to fiscal  
10 year 2012 or 2013, means a percent-  
11 age of the amount allocated to local  
12 areas under section 133(b)(2)(B) of  
13 the Workforce Investment Act of  
14 1998 (as in effect on the day before  
15 the date of enactment of this Act)  
16 that is received by the local area in-  
17 volved for fiscal year 2012 or 2013,  
18 respectively; and

19 (II) used with respect to fiscal  
20 year 2014 or a subsequent fiscal year,  
21 means a percentage of the funds re-  
22 ferred to in clause (i), received  
23 through an allocation made under this  
24 subparagraph, for the fiscal year.

1           (C) APPLICATION.—For purposes of ear-  
 2           rying out subparagraph (A)—

3                 (i) references in clauses (ii) and (iii)  
 4                 of section 232(b)(1)(B) to a State shall be  
 5                 deemed to be references to a local area;  
 6                 and

7                 (ii) references in clauses (ii) and (iii)  
 8                 of section 232(b)(1)(B) to all States shall  
 9                 be deemed to be references to all local  
 10                areas in the State involved.

11           (3) ADULT EMPLOYMENT AND TRAINING DIS-  
 12           CRETIONARY ALLOCATIONS.—In lieu of making the  
 13           allocation described in paragraph (2)(A), in allo-  
 14           cating the funds described in paragraph (1)(A) to  
 15           local areas, a State may distribute—

16                (A) a portion equal to not less than 70  
 17                percent of the funds in accordance with para-  
 18                graph (2)(A); and

19                (B) the remaining portion of the funds on  
 20                the basis of a formula that—

21                   (i) incorporates additional factors  
 22                   (other than the factors described in para-  
 23                   graph (2)(A)) relating to—

24                        (I) excess poverty in urban,  
 25                        rural, and suburban local areas; and

1                   (HI) excess unemployment above  
 2                   the State average in urban, rural, and  
 3                   suburban local areas; and  
 4                   (ii) was developed by the State board  
 5                   and approved by the Secretary as part of  
 6                   the State plan.

7           (4) TRANSFER AUTHORITY.—A local board may  
 8           transfer, if such a transfer is approved by the Gov-  
 9           ernor, up to and including 100 percent of the funds  
 10          allocated to the local area under paragraph (2)(A) or  
 11          (3), and up to and including 100 percent of the  
 12          funds allocated to the local area under paragraph  
 13          (2)(B), for a fiscal year between—

14                   (A) adult employment and training activi-  
 15                   ties; and

16                   (B) dislocated worker employment and  
 17                   training activities.

18          (5) ALLOCATION.—

19                   (A) IN GENERAL.—The Governor shall al-  
 20                   locate the funds described in paragraph (1) to  
 21                   local areas under paragraphs (2) and (3) for  
 22                   the purpose of providing a single system of em-  
 23                   ployment and training activities for adults and  
 24                   dislocated workers in accordance with sub-  
 25                   sections (c) and (d) of section 234.

1                   ~~(B) ADDITIONAL REQUIREMENTS.—~~

2                   (i) ~~ADULTS.—~~Funds allocated under  
3                   paragraph ~~(2)(A)~~ or ~~(3)~~ shall be used by a  
4                   local area to contribute to the costs of the  
5                   one-stop delivery system described in sec-  
6                   tion ~~221(e)~~ as determined under sub-  
7                   sections ~~(h)~~ and ~~(i)~~ of section ~~221~~ and to  
8                   pay for employment and training activities  
9                   provided to adults in the local area, con-  
10                  sistent with section ~~234~~.

11                  (ii) ~~DISLOCATED WORKERS.—~~Funds  
12                  allocated under paragraph ~~(2)(B)~~ shall be  
13                  used by a local area to contribute to the  
14                  costs of the one-stop delivery system de-  
15                  scribed in section ~~221(e)~~ as determined  
16                  under subsections ~~(h)~~ and ~~(i)~~ of section  
17                  ~~221~~ and to pay for employment and train-  
18                  ing activities provided to dislocated work-  
19                  ers in the local area, consistent with sec-  
20                  tion ~~234~~.

21                  ~~(c) REALLOCATION AMONG LOCAL AREAS.—~~

22                  (1) ~~IN GENERAL.—~~The Governor may, in ac-  
23                  cordance with this subsection, reallocate to eligible  
24                  local areas within the State amounts that are made  
25                  available to local areas from allocations made under

1 paragraph (2)(A) or (3) of subsection (b) or a cor-  
2 responding provision of the Workforce Investment  
3 Act of 1998 for adult employment and training ac-  
4 tivities, or under subsection (b)(2)(B) or a cor-  
5 responding provision of the Workforce Investment  
6 Act of 1998 for dislocated worker employment and  
7 training activities (referred to individually in this  
8 subsection as a “local allocation”) and that are  
9 available for reallocation.

10 (2) AMOUNT.—

11 (A) IN GENERAL.—The amount available  
12 for reallocation for a program year for pro-  
13 grams funded under paragraphs (2)(A) and (3)  
14 of subsection (b) (relating to adult employment  
15 and training) or for programs funded under  
16 subsection (b)(2)(B) (relating to dislocated  
17 worker employment and training) is equal to  
18 the amount by which the balance that is unobli-  
19 gated and unencumbered for training services  
20 at the end of the program year prior to the pro-  
21 gram year for which the determination is made,  
22 exceeds 10 percent of the total amount of funds  
23 available to the local area for that prior pro-  
24 gram year, consisting of the local allocation to  
25 the local area for such prior program year (and

1 amounts from local allocations to the local area;  
2 for all program years before that prior program  
3 year; for adult employment and training activi-  
4 ties or dislocated worker employment and train-  
5 ing services; respectively, that remained avail-  
6 able).

7 (B) BALANCE OF FUNDS.—For purposes  
8 of this paragraph, the balance that is unobli-  
9 gated and unencumbered for training services is  
10 the amount that is the difference between—

11 (i) the total amount of funds available  
12 to the local area under paragraphs (2)(A)  
13 and (3) of subsection (b), or subsection  
14 (b)(2)(B), respectively, for that prior pro-  
15 gram year; consisting of the local alloca-  
16 tion to the local area for such prior pro-  
17 gram year (and amounts from local alloca-  
18 tions to the local area, for all program  
19 years before that prior program year, for  
20 adult employment and training activities or  
21 dislocated worker employment and training  
22 activities; respectively, that remained avail-  
23 able); and

24 (ii) the amount, from that total  
25 amount of available funds, that is obligated

1 or encumbered (in accordance with gen-  
2 erally accepted accounting principles) for  
3 training services for adults or dislocated  
4 workers, respectively, during such prior  
5 program year, except that for purposes of  
6 this paragraph the amount included as en-  
7 cumbered for training services shall not ex-  
8 ceed 10 percent of the total amount of  
9 available funds described in subparagraph  
10 (A) for adult employment and training ac-  
11 tivities or dislocated worker employment  
12 and training activities, respectively.

13 ~~(3)~~ REALLOCATION.—In making reallocations  
14 to eligible local areas of amounts available pursuant  
15 to paragraph ~~(2)~~ for a program year, the Governor  
16 shall allocate to each eligible local area within the  
17 State—

18 ~~(A)~~ with respect to such available amounts  
19 that were allocated under paragraph ~~(2)~~(A) or  
20 ~~(3)~~ of subsection (b), an amount based on the  
21 relative amount of the local allocation under  
22 paragraph ~~(2)~~(A) or ~~(3)~~ of subsection (b), as  
23 appropriate, for the program year for which the  
24 determination is made, as compared to the total  
25 amount of the local allocations under paragraph



1           ~~(2)(A) or (3)~~ of subsection (b), as appropriate,  
2           for such program year; and

3           ~~(B)~~ with respect to such available amounts  
4           that were allocated under subsection ~~(b)(2)(B)~~;  
5           an amount based on the relative amount of the  
6           local allocation under subsection ~~(b)(2)(B)~~ for  
7           the program year for which the determination is  
8           made, as compared to the total amount of the  
9           local allocations under subsection ~~(b)(2)(B)~~ for  
10          such program year.

11          ~~(4)~~ ELIGIBILITY.—For purposes of this sub-  
12          section, an eligible local area means—

13               ~~(A)~~ with respect to funds allocated through  
14               a local allocation for adult employment and  
15               training activities, a local area that does not  
16               have an amount of such funds available for re-  
17               allocation under paragraph ~~(2)~~ for the program  
18               year for which the determination under para-  
19               graph ~~(2)~~ is made; and

20               ~~(B)~~ with respect to funds allocated through  
21               a local allocation for dislocated worker employ-  
22               ment and training activities, a local area that  
23               does not have an amount of such funds avail-  
24               able for reallocation under paragraph ~~(2)~~ for

1 the program year for which the determination  
 2 under paragraph (2) is made.

3 **SEC. 234. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**  
 4 **ACTIVITIES.**

5 (a) STATEWIDE EMPLOYMENT AND TRAINING AC-  
 6 TIVITIES.—

7 (1) IN GENERAL.—Funds reserved by a Gov-  
 8 ernor—

9 (A) as described in section 233(a)(2) shall  
 10 be used to carry out the statewide rapid re-  
 11 sponse activities described in paragraph (2)(A);  
 12 and

13 (B) as described in sections 228(a) and  
 14 233(a)(1)—

15 (i) shall be used to carry out the  
 16 statewide employment and training activi-  
 17 ties described in paragraph (2)(B); and

18 (ii) may be used to carry out any of  
 19 the statewide employment and training ac-  
 20 tivities described in paragraph (3);

21 regardless of whether the funds were allotted to  
 22 the State under section 227(b)(1) or under  
 23 paragraph (1) or (2) of section 232(b).

24 (2) REQUIRED STATEWIDE EMPLOYMENT AND  
 25 TRAINING ACTIVITIES.—

1           ~~(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—~~  
2

3           ~~(i) IN GENERAL.—~~A State shall carry  
4 out statewide rapid response activities  
5 using funds reserved by the Governor for  
6 the State under section 233(a)(2), which  
7 activities shall include—

8           ~~(I) provision of rapid response~~  
9 activities, carried out in local areas by  
10 the State or by an entity designated  
11 by the State, working in conjunction  
12 with the local boards and the chief  
13 elected officials for the local areas;  
14 and

15          ~~(II) provision of additional assist-~~  
16 ance to local areas that experience  
17 disasters, mass layoffs, or plant clos-  
18 ings, or other events that precipitate  
19 substantial increases in the number of  
20 unemployed individuals, carried out in  
21 local areas by the State, working in  
22 conjunction with the local boards and  
23 the chief elected officials for the local  
24 areas.

(ii) ~~USE OF UNOBLIGATED FUNDS.—~~

Funds reserved by a Governor under section 233(a)(2), and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.

~~(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—~~Funds reserved by a Governor under sections 228(a)(1) and 233(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 227(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 232(b)) shall be used for statewide employment and training activities, including—

(i) building capacity by providing assistance to—

1           (I) State entities and agencies;  
2           local areas, and one-stop partners in  
3           carrying out the activities described in  
4           the State plan, including the coordina-  
5           tion and alignment of data systems  
6           used to carry out the requirements of  
7           this Act;

8           (II) local areas for carrying out  
9           the regional planning and service de-  
10          livery activities required under section  
11          116(e); and

12          (III) local areas, one-stop opera-  
13          tors, one-stop partners, and eligible  
14          providers, including the development  
15          and training of staff, which may in-  
16          clude the development and training of  
17          staff to provide opportunities for indi-  
18          viduals with barriers to employment  
19          to enter in-demand industry sectors or  
20          occupations and nontraditional occu-  
21          pations; the development of exemplary  
22          program activities; and the provision  
23          of technical assistance to local areas  
24          that fail to meet local performance ac-

1                   countability measures described in  
2                   section 131(e);

3                   (ii) providing assistance to local areas;  
4                   in accordance with section 116(e)(1)(B);

5                   (iii) operating a fiscal and manage-  
6                   ment accountability information system in  
7                   accordance with section 131(i);

8                   (iv) carrying out monitoring and over-  
9                   sight of activities carried out under this  
10                  chapter and chapter 2;

11                  (v) disseminating—

12                   (I) the State list of eligible pro-  
13                   viders of training services, including  
14                   eligible providers of nontraditional  
15                   training services and eligible providers  
16                   of apprenticeship programs described  
17                   in section 222(a)(2)(B);

18                   (II) information identifying eligi-  
19                   ble providers of on-the-job training,  
20                   customized training, incumbent work-  
21                   er training, internships, paid or un-  
22                   paid work experience opportunities, or  
23                   transitional jobs;

1                   (III) information on effective out-  
2 reach to, partnerships with, and serv-  
3 ices for, business;

4                   (IV) information on effective  
5 service delivery strategies to serve  
6 workers and job seekers;

7                   (V) performance information and  
8 information on program costs (such as  
9 tuition and fees) for participants in  
10 applicable programs, as described in  
11 subsections (d) and (h) of section 222;  
12 and

13                  (VI) information on physical and  
14 programmatic accessibility, in accord-  
15 ance with section 288 and the Ameri-  
16 cans with Disabilities Act of 1990 (42  
17 U.S.C. 12101 et seq.), for individuals  
18 with disabilities;

19                  (vi) conducting evaluations under sec-  
20 tion 131(e) of activities authorized under  
21 this chapter and chapter 2 in coordination  
22 with evaluations carried out by the Sec-  
23 retary under section 270(a); and

24                  (vii) developing strategies for ensuring  
25 that activities carried out under this sec-

tion are placing men and women in jobs,  
 education, and training that lead to com-  
 parable pay for men and women, including  
 strategies to increase women's participa-  
 tion in high-wage, high-demand occupa-  
 tions in which women are underrepresented  
 in the State's workforce.

~~(3) ALLOWABLE STATEWIDE EMPLOYMENT AND  
 TRAINING ACTIVITIES.—~~

~~(A) IN GENERAL.—Funds reserved by a  
 Governor under sections 228(a)(1) and  
 233(a)(1) and not used under paragraph (1)(A)  
 or (2)(B) (regardless of whether the funds were  
 allotted to the State under section 227(b)(1)(C)  
 or paragraph (1)(B) or (2)(B) of section  
 232(b)) may be used to carry out additional  
 statewide employment and training activities,  
 which may include—~~

~~(i) implementing innovative programs  
 and strategies designed to meet the needs  
 of businesses in the State, including small  
 businesses, which may include—~~

~~(I) providing incumbent worker  
 training;~~



1                   (II) providing customized train-  
2                   ing;

3                   (III) developing and imple-  
4                   menting industry sector strategies (in-  
5                   cluding strategies involving industry  
6                   partnerships, regional skills alliances,  
7                   industry skill panels, and sectoral  
8                   skills partnerships) in which rep-  
9                   resentatives of multiple employers for  
10                  a specific industry sector or group of  
11                  related occupations—

12                   (aa) collaborate to address  
13                   common workforce needs with  
14                   suppliers, labor organizations,  
15                   economic development agencies,  
16                   eligible providers of training serv-  
17                   ices described in section 222, and  
18                   other entities that can provide  
19                   needed supportive services tai-  
20                   lored to the needs of workers in  
21                   that sector or group for a local  
22                   area or region;

23                   (bb) identify current and ex-  
24                   pected gaps between the demand  
25                   for and supply of labor and skills

1 in that sector or group for that  
2 area or region; and

3 (cc) develop a strategic plan  
4 and training efforts to address  
5 skill gaps, advance industry  
6 growth and competitiveness, and  
7 improve worker productivity, re-  
8 tention, advancement, and com-  
9 petitiveness;

10 (IV) providing career ladder and  
11 career pathway programs;

12 (V) providing microenterprise  
13 and entrepreneurial training and sup-  
14 port programs;

15 (VI) utilizing effective business  
16 intermediaries;

17 (VII) using layoff aversion strat-  
18 egies in collaboration with appropriate  
19 economic development entities, which  
20 strategies may include early identifica-  
21 tion of firms at risk of layoffs, use of  
22 feasibility studies to assess the needs  
23 of and options for at-risk firms, and  
24 the delivery of employment and train-  
25 ing activities to address risk factors;

1           (VIII) providing activities to im-  
2           prove linkages between the one-stop  
3           delivery systems in the State and em-  
4           ployers (including small employers) in  
5           the State; and

6           (IX) providing other business  
7           services and strategies that better en-  
8           gage employers in workforce invest-  
9           ment activities and make the work-  
10          force development system more rel-  
11          evant to meeting the needs of State  
12          and local businesses, consistent with  
13          the objectives of this title;

14          (ii) developing strategies for effec-  
15          tively serving individuals with barriers to  
16          employment and for coordinating programs  
17          and services among one-stop partners;

18          (iii) implementing programs for dis-  
19          placed homemakers, which for purposes of  
20          this clause may include an individual who  
21          is receiving public assistance and is within  
22          2 years of exhausting lifetime eligibility  
23          under part A of title IV of the Social Secu-  
24          rity Act (42 U.S.C. 601 et seq.);

1           (iv) implementing programs to in-  
2           crease the number of individuals training  
3           for and placed in nontraditional employ-  
4           ment;

5           (v) carrying out activities to facilitate  
6           remote access to services, including train-  
7           ing services described in subsection (c)(4),  
8           provided through a one-stop delivery sys-  
9           tem, including facilitating access through  
10          the use of technology;

11          (vi) supporting the provision of core  
12          services described in subsection (c)(2) in  
13          the one-stop delivery systems in the State;

14          (vii) coordinating activities with the  
15          child welfare system to facilitate provision  
16          of services for children in foster care and  
17          children who are eligible for assistance  
18          under section 477 of the Social Security  
19          Act (42 U.S.C. 677);

20          (viii) activities—

21               (I) to improve coordination of  
22               workforce investment activities; and  
23               economic development activities; ear-  
24               ried out within the State involved and

1 to promote entrepreneurial skills  
2 training and microenterprise services;

3 (II) to improve coordination of  
4 employment and training activities;  
5 child support services, and assistance  
6 provided by State and local agencies  
7 carrying out part D of title IV of the  
8 Social Security Act (42 U.S.C. 651 et  
9 seq.);

10 (III) to improve coordination of  
11 employment and training activities  
12 and cooperative extension programs  
13 carried out by the Department of Ag-  
14 riculture;

15 (IV) to improve coordination of  
16 employment and training activities  
17 and programs carried out in local  
18 areas for individuals with disabilities;  
19 including programs carried out by  
20 State agencies relating to intellectual  
21 disabilities and developmental disabili-  
22 ties; activities carried out by State-  
23 wide Independent Living Councils es-  
24 tablished under section 705 of the Re-  
25 habilitation Act of 1973 (29 U.S.C.

1           796d); programs funded under part B  
2           of chapter 1 of title VII of such Act  
3           (29 U.S.C. 796e et seq.); and activi-  
4           ties carried out by centers for inde-  
5           pendent living, as defined in section  
6           702 of such Act (29 U.S.C. 796a);  
7           (V) to develop and disseminate  
8           workforce and labor market informa-  
9           tion;  
10          (VI) to improve coordination of  
11          employment and training activities;  
12          and adult education and literacy ac-  
13          tivities, provided by public libraries;  
14          (VII) to improve coordination of  
15          activities with the corrections system  
16          to facilitate provision of training serv-  
17          ices and employment opportunities  
18          that will assist ex-offenders in reen-  
19          tering the workforce; and  
20          (VIII) to promote financial lit-  
21          eracy, including carrying out activities  
22          described in section 229(b)(1)(I);  
23          (ix) conducting—

1                   (I) research related to meeting  
2                   the employment and education needs  
3                   of adult and dislocated workers; and

4                   (II) demonstration projects re-  
5                   lated to meeting the employment and  
6                   education needs of adult and dis-  
7                   located workers;

8                   (x) implementing promising services  
9                   for workers and businesses, which may in-  
10                  clude providing support for education;  
11                  training, skill upgrading, and statewide  
12                  networking for employees to become work-  
13                  place learning advisors and maintain pro-  
14                  ficiency in carrying out the activities asso-  
15                  ciated with such advising;

16                  (xi) providing incentive grants to local  
17                  areas for performance by the local areas on  
18                  local performance accountability measures  
19                  described in section 131(b);

20                  (xii) adopting, calculating, or commis-  
21                  sioning for approval an economic self-suffi-  
22                  ciency standard for the State that specifies  
23                  the income needs of families, by family  
24                  size, the number and ages of children in

the family, and substate geographical considerations; and

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software.

~~(B)~~ LIMITATION.—

(i) IN GENERAL.—Of the funds allotted to a State under sections 227(b) and 232(b) and reserved as described in sections 228(a) and 233(a)(1) for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 227(b)(1);

(II) not more than 5 percent of the amount allotted under section 232(b)(1); and

(III) not more than 5 percent of the amount allotted under section 232(b)(2);

may be used by the State for the administration of statewide youth workforce investment activities carried out under section 229 and statewide employment and



1 training activities carried out under this  
2 section.

3 (ii) ~~USE OF FUNDS.—~~Funds made  
4 available for administrative costs under  
5 clause (i) may be used for the administra-  
6 tive cost of any of the statewide youth  
7 workforce investment activities or state-  
8 wide employment and training activities,  
9 regardless of whether the funds were allot-  
10 ted to the State under section 227(b)(1) or  
11 paragraph (1) or (2) of section 232(b).

12 (b) ~~LOCAL EMPLOYMENT AND TRAINING ACTIVI-~~  
13 ~~TIES.—~~Funds allocated to a local area for adults under  
14 paragraph (2)(A) or (3), as appropriate, of section 233(b),  
15 and funds allocated to a local area for dislocated workers  
16 under section 233(b)(2)(B)—

17 (1) shall be used to carry out employment and  
18 training activities described in subsection (c) for  
19 adults or dislocated workers, respectively; and

20 (2) may be used to carry out employment and  
21 training activities described in subsection (d) for  
22 adults or dislocated workers, respectively.

23 (c) ~~REQUIRED LOCAL EMPLOYMENT AND TRAINING~~  
24 ~~ACTIVITIES.—~~

25 (1) ~~IN GENERAL.—~~

1           (A) ALLOCATED FUNDS.—Funds allocated  
2           to a local area for adults under paragraph  
3           ~~(2)(A) or (3)~~, as appropriate, of section 233(b),  
4           and funds allocated to the local area for dis-  
5           located workers under section 233(b)(2)(B),  
6           shall be used—

7                   (i) to establish a one-stop delivery sys-  
8                   tem described in section 221(e);

9                   (ii) to provide the core services de-  
10                  scribed in paragraph (2) to adults and dis-  
11                  located workers, respectively, through the  
12                  one-stop delivery system in accordance  
13                  with such paragraph;

14                  (iii) to provide the intensive services  
15                  described in paragraph (3) to adults and  
16                  dislocated workers, respectively, described  
17                  in such paragraph;

18                  (iv) to provide training services de-  
19                  scribed in paragraph (4) to adults and dis-  
20                  located workers, respectively, described in  
21                  such paragraph; and

22                  (v) to designate a dedicated business  
23                  liaison in the local area (whose activities  
24                  may be funded with funds provided under  
25                  this title or from other sources) to estab-

1           lish and develop relationships and networks  
 2           with large and small employers and their  
 3           intermediaries.

4           ~~(B) OTHER FUNDS.~~—Consistent with sub-  
 5           sections (h) and (i) of section 221, a portion of  
 6           the funds made available under Federal law au-  
 7           thorizing the programs and activities described  
 8           in section 221(b)(1)(B), including the Wagner-  
 9           Peyser Act (29 U.S.C. 49 et seq.), shall be used  
 10          as described in clauses (i) and (ii) of subpara-  
 11          graph (A), to the extent not inconsistent with  
 12          the Federal law involved.

13          ~~(2) CORE SERVICES.~~—Funds described in para-  
 14          graph (1) shall be used to provide core services,  
 15          which shall be available to individuals who are adults  
 16          or dislocated workers through the one-stop delivery  
 17          system and shall, at a minimum, include—

18                ~~(A)~~ determinations of whether the individ-  
 19                uals are eligible to receive assistance under this  
 20                subtitle;

21                ~~(B)~~ outreach, intake (which may include  
 22                worker profiling), and orientation to the infor-  
 23                mation and other services available through the  
 24                one-stop delivery system;

1           (C) initial assessment of skill levels (in-  
2           cluding literacy, numeracy, and English lan-  
3           guage proficiency); aptitudes, abilities (includ-  
4           ing skills gaps); and supportive service needs;

5           (D) labor exchange services, including—

6               (i) job search and placement assist-  
7               ance and, in appropriate cases, career  
8               counseling; including—

9               (I) provision of information on  
10              in-demand industry sectors and occu-  
11              pations; and

12              (II) provision of information on  
13              nontraditional employment; and

14              (ii) appropriate recruitment and other  
15              business services on behalf of employers;  
16              including small employers, in the local  
17              area, which services may include services  
18              described in this subsection, such as pro-  
19              viding information and referral to special-  
20              ized business services not traditionally of-  
21              fered through the one-stop delivery system;

22           (E) provision of referrals to and coordina-  
23           tion of activities with other programs and serv-  
24           ices, including programs and services within the

one-stop delivery system and, in appropriate cases, other workforce development programs;

~~(F)~~ provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(i) job vacancy listings in such labor market areas;

(ii) information on job skills necessary to obtain the jobs described in clause (i); and

(iii) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;

~~(G)~~ provision of performance information and program cost information on eligible providers of training services as described in section 222, provided by program, and eligible providers of youth workforce investment activities described in section 223, providers of adult education described in title III, providers of career and technical education activities at the post-secondary level, and career and technical edu-

1           education activities available to school dropouts;  
 2           under the Carl D. Perkins Career and Tech-  
 3           nical Education Act of 2006 (20 U.S.C. 2301  
 4           et seq.); and providers of vocational rehabilita-  
 5           tion services described in title I of the Rehabili-  
 6           tation Act of 1973 (29 U.S.C. 720 et seq.);

7           (H) provision of information, in formats  
 8           that are usable by and understandable to one-  
 9           stop center customers, regarding how the local  
 10          area is performing on the local performance ac-  
 11          countability measures described in section  
 12          131(e) and any additional performance informa-  
 13          tion with respect to the one-stop delivery system  
 14          in the local area;

15          (I)(i) provision of information, in formats  
 16          that are usable by and understandable to one-  
 17          stop center customers, relating to the avail-  
 18          ability of supportive services or assistance, in-  
 19          cluding child care, child support, medical or  
 20          child health assistance under title XIX or XXI  
 21          of the Social Security Act (42 U.S.C. 1396 et  
 22          seq. and 1397aa et seq.); benefits under the  
 23          supplemental nutrition assistance program es-  
 24          tablished under the Food and Nutrition Act of  
 25          2008 (7 U.S.C. 2011 et seq.); assistance

1 through the earned income tax credit under sec-  
2 tion 32 of the Internal Revenue Code of 1986,  
3 and assistance under a State program for tem-  
4 porary assistance for needy families funded  
5 under part A of title IV of the Social Security  
6 Act (~~42 U.S.C. 601 et seq.~~) and other sup-  
7 portive services and transportation provided  
8 through funds made available under such part,  
9 available in the local area; and

10 (ii) referral to the services or assistance  
11 described in clause (i), as appropriate;

12 (~~J~~) provision of information and assistance  
13 regarding filing claims for unemployment com-  
14 pensation;

15 (~~K~~) assistance in establishing eligibility for  
16 programs of financial aid assistance for training  
17 and education programs that are not funded  
18 under this Act; and

19 (~~L~~) followup services, including counseling  
20 regarding the workplace, for participants in  
21 workforce investment activities authorized  
22 under this subtitle who are placed in unsub-  
23 sidized employment, for not less than 12  
24 months after the first day of the employment,  
25 as appropriate.

1           ~~(3)~~ INTENSIVE SERVICES.—

2                   ~~(A)~~ IN GENERAL.—

3                           ~~(i)~~ ELIGIBILITY.—Except as provided  
 4                   in clause ~~(ii)~~, funds allocated to a local  
 5                   area for adults under paragraph ~~(2)~~(A) or  
 6                   ~~(3)~~, as appropriate, of section 233(b), and  
 7                   funds allocated to the local area for dis-  
 8                   located workers under section  
 9                   ~~233(b)(2)~~(B), shall be used to provide in-  
 10                  tensive services to adults and dislocated  
 11                  workers, respectively—

12                           ~~(I)~~ who are unemployed and who,  
 13                   after an interview, evaluation, or as-  
 14                   sessment, have been determined by a  
 15                   one-stop operator or one-stop partner  
 16                   as appropriate, to be—

17                                   ~~(aa)~~ unlikely or unable to  
 18                   obtain employment, that leads to  
 19                   economic self-sufficiency or wages  
 20                   comparable to or higher than  
 21                   wages from previous employment,  
 22                   through core services described in  
 23                   paragraph ~~(2)~~; and

24                                   ~~(bb)~~ in need of intensive  
 25                   services to obtain employment



1 that leads to economic self-suffi-  
2 ciency or wages comparable to or  
3 higher than wages from previous  
4 employment; or

5 (II) who are employed, but who,  
6 after an interview, evaluation, or as-  
7 sessment are determined by a one-  
8 stop operator or one-stop partner to  
9 be in need of such intensive services  
10 to obtain or retain employment that  
11 leads to economic self-sufficiency.

12 (ii) USE OF PREVIOUS ASSESS-  
13 MENTS.—A one-stop operator or one-stop  
14 partner shall not be required to conduct a  
15 new interview, evaluation, or assessment of  
16 a participant under clause (i) if the one-  
17 stop operator or one-stop partner deter-  
18 mines that it is appropriate to use a recent  
19 interview, evaluation, or assessment of the  
20 participant conducted pursuant to another  
21 education or training program.

22 (iii) RULE OF CONSTRUCTION.—Noth-  
23 ing in this subparagraph shall be construed  
24 to mean that an individual is required to

1 receive core services prior to receiving in-  
2 tensive services.

3 ~~(B) DELIVERY OF SERVICES.~~—Such inten-  
4 sive services shall be provided through the one-  
5 stop delivery system—

6 (i) directly through one-stop operators  
7 identified pursuant to section 221(d); or

8 (ii) through contracts with service  
9 providers, which may include contracts  
10 with public, private for-profit, and private  
11 nonprofit service providers, approved by  
12 the local board.

13 ~~(C) TYPES OF SERVICES.~~—Such intensive  
14 services may include the following:

15 (i) Comprehensive and specialized as-  
16 sessments of the skill levels and service  
17 needs of adults and dislocated workers,  
18 which may include—

19 (I) diagnostic testing and use of  
20 other assessment tools; and

21 (II) in-depth interviewing and  
22 evaluation to identify employment bar-  
23 riers and appropriate employment  
24 goals.

(ii) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (4)(F)(ii), and career pathways to attain career objectives.

(iii) Group counseling.

(iv) Individual counseling.

(v) Career planning.

(vi) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.

(vii) Internships and work experiences that are linked to careers.

(viii) Workforce preparation activities.

(ix) Financial literacy services, such as activities described in section 229(b)(1)(I).

1                   (x) Out-of-area job search assistance  
2                   and relocation assistance.

3                   (xi) English language acquisition and  
4                   integrated education and training pro-  
5                   grams.

6           (4) TRAINING SERVICES.—

7                   (A) IN GENERAL.—

8                   (i) ELIGIBILITY.—Except as provided  
9                   in clause (ii), funds allocated to a local  
10                  area for adults under paragraph (2)(A) or  
11                  (3), as appropriate, of section 233(b), and  
12                  funds allocated to the local area for dis-  
13                  located workers under section  
14                  233(b)(2)(B), shall be used to provide  
15                  training services to adults and dislocated  
16                  workers, respectively—

17                   (I) who, after an interview, eval-  
18                   uation, or assessment, and career  
19                   planning, have been determined by a  
20                   one-stop operator or one-stop partner,  
21                   as appropriate, to—

22                   (aa) be unlikely or unable to  
23                   obtain or retain employment,  
24                   that leads to economic self-suffi-  
25                   ciency or wages comparable to or

1 higher than wages from previous  
2 employment, through the inten-  
3 sive services described in para-  
4 graph (3);

5 (bb) be in need of training  
6 services to obtain or retain em-  
7 ployment that leads to economic  
8 self-sufficiency or wages com-  
9 parable to or higher than wages  
10 from previous employment; and

11 (cc) have the skills and  
12 qualifications to successfully par-  
13 ticipate in the selected program  
14 of training services;

15 (II) who select programs of train-  
16 ing services that are directly linked to  
17 the employment opportunities in the  
18 local area or region involved or in an-  
19 other area to which the adults or dis-  
20 located workers are willing to com-  
21 mute or relocate;

22 (III) who meet the requirements  
23 of subparagraph (B); and

24 (IV) who are determined to be el-  
25 igible in accordance with the priority

system in effect under subparagraph  
(E).

(ii) USE OF PREVIOUS ASSESS-  
MENTS.—A one-stop operator or one-stop  
partner shall not be required to conduct a  
new interview, evaluation, or assessment of  
a participant under clause (i) if the one-  
stop operator or one-stop partner deter-  
mines that it is appropriate to use a recent  
interview, evaluation, or assessment of the  
participant conducted pursuant to another  
education or training program.

(iii) RULE OF CONSTRUCTION.—Noth-  
ing in this subparagraph shall be construed  
to mean an individual is required to receive  
core or intensive services prior to receiving  
training services.

(B) QUALIFICATION.—

(i) REQUIREMENT.—Notwithstanding  
section 479B of the Higher Education Act  
of 1965 (20 U.S.C. 1087uu) and except as  
provided in clause (ii), provision of such  
training services shall be limited to individ-  
uals who—

1                   (I) are unable to obtain other  
 2                   grant assistance for such services, in-  
 3                   cluding Federal Pell Grants estab-  
 4                   lished under subpart 1 of part A of  
 5                   title IV of the Higher Education Act  
 6                   of 1965 (20 U.S.C. 1070a et seq.); or

7                   (H) require assistance beyond the  
 8                   assistance made available under other  
 9                   grant assistance programs, including  
 10                  Federal Pell Grants.

11                  (ii)     REIMBURSEMENTS.—Training  
 12                  services may be provided under this para-  
 13                  graph to an individual who otherwise meets  
 14                  the requirements of this paragraph while  
 15                  an application for a Federal Pell Grant is  
 16                  pending, except that if such individual is  
 17                  subsequently awarded a Federal Pell  
 18                  Grant, appropriate reimbursement shall be  
 19                  made to the local area from such Federal  
 20                  Pell Grant.

21                  (iii)    CONSIDERATION.—In deter-  
 22                  mining whether an individual requires as-  
 23                  sistance under clause (i)(H), a one-stop op-  
 24                  erator (or one-stop partner, where appro-  
 25                  priate) may take into consideration the full

1 cost of participating in training services;  
2 including the costs of dependent care and  
3 transportation, and other appropriate  
4 costs.

5 (C) PROVIDER QUALIFICATION.—Training  
6 services shall be provided through providers  
7 identified in accordance with section 222.

8 (D) TRAINING SERVICES.—Training serv-  
9 ices may include—

10 (i) occupational skills training, includ-  
11 ing training for nontraditional employ-  
12 ment;

13 (ii) on-the-job training;

14 (iii) incumbent worker training in ac-  
15 cordance with subsection (d)(4);

16 (iv) programs that combine workplace  
17 training with related instruction, which  
18 may include cooperative education pro-  
19 grams;

20 (v) training programs operated by the  
21 private sector;

22 (vi) skill upgrading and retraining;

23 (vii) entrepreneurial training;

24 (viii) transitional jobs in accordance  
25 with subsection (d)(5);



1                   (ix) job readiness training provided in  
2                   combination with services described in any  
3                   of clauses (i) through (viii);

4                   (x) adult education and literacy activi-  
5                   ties, including activities of English lan-  
6                   guage acquisition and integrated education  
7                   and training programs, provided concur-  
8                   rently or in combination with services de-  
9                   scribed in any of clauses (i) through (vii);  
10                  and

11                  (xi) customized training conducted  
12                  with a commitment by an employer or  
13                  group of employers to employ an individual  
14                  upon successful completion of the training.

15                  (E) PRIORITY.—With respect to funds al-  
16                  located to a local area for adult employment  
17                  and training activities under paragraph (2)(A)  
18                  or (3) of section 233(b), priority shall be given  
19                  to recipients of public assistance, other low-in-  
20                  come individuals, and individuals who are basic  
21                  skills deficient for receipt of intensive services  
22                  and training services. The appropriate local  
23                  board and the Governor shall direct the one-  
24                  stop operators in the local area with regard to  
25                  making determinations related to such priority.

1           (F) CONSUMER CHOICE REQUIREMENTS.—

2           (i) IN GENERAL.—Training services  
3           provided under this paragraph shall be  
4           provided in a manner that maximizes con-  
5           sumer choice in the selection of an eligible  
6           provider of such services.

7           (ii) ELIGIBLE PROVIDERS.—Each  
8           local board, through one-stop centers, shall  
9           make available the list of eligible providers  
10          of training services described in section  
11          222(d), and accompanying information, in  
12          accordance with section 222(d).

13          (iii) INDIVIDUAL TRAINING AC-  
14          COUNTS.—An individual who seeks train-  
15          ing services and who is eligible pursuant to  
16          subparagraph (A), may, in consultation  
17          with a career planner, select an eligible  
18          provider of training services from the list  
19          of providers described in clause (ii). Upon  
20          such selection, the one-stop operator in-  
21          volved shall, to the extent practicable, refer  
22          such individual to the eligible provider of  
23          training services, and arrange for payment  
24          for such services through an individual  
25          training account.

1                   (iv) COORDINATION.—Each local  
 2                   board may, through one-stop centers, co-  
 3                   ordinate funding for individual training ac-  
 4                   counts with funding from other Federal,  
 5                   State, local, or private job training pro-  
 6                   grams or sources to assist the individual in  
 7                   obtaining training services.

8                   (G) USE OF INDIVIDUAL TRAINING AC-  
 9                   COUNTS.—

10                   (i) IN GENERAL.—Except as provided  
 11                   in clause (ii), training services provided  
 12                   under this paragraph shall be provided  
 13                   through the use of individual training ac-  
 14                   counts in accordance with this paragraph,  
 15                   and shall be provided to eligible individuals  
 16                   through the one-stop delivery system.

17                   (ii) TRAINING CONTRACTS.—Training  
 18                   services authorized under this paragraph  
 19                   may be provided pursuant to a contract for  
 20                   services in lieu of an individual training ac-  
 21                   count if—

22                   (I) the requirements of subpara-  
 23                   graph (F) are met;

24                   (II) such services are on-the-job  
 25                   training, customized training, incum-

1 bent worker training, or transitional  
2 employment;

3 (III) the local board determines  
4 there are an insufficient number of el-  
5 igible providers of training services in  
6 the local area involved (such as in a  
7 rural area) to accomplish the purposes  
8 of a system of individual training ac-  
9 counts;

10 (IV) the local board determines  
11 that there is a training services pro-  
12 gram of demonstrated effectiveness of-  
13 fered in the local area by a commu-  
14 nity-based organization or another  
15 private organization to serve individ-  
16 uals with barriers to employment; or

17 (V) the local board determines  
18 that—

19 (aa) it would be most appro-  
20 priate to award a contract to an  
21 institution of higher education or  
22 other eligible provider of training  
23 services in order to facilitate the  
24 training of multiple individuals in

1 in-demand industry sectors or oc-  
2 cupations; and

3 (bb) such contract does not  
4 limit customer choice.

5 (iii) LINKAGE TO OCCUPATIONS IN  
6 DEMAND.—Training services provided  
7 under this paragraph shall be directly  
8 linked to an in-demand industry sector or  
9 occupation in the local area or region, or  
10 in another area to which an adult or dis-  
11 located worker receiving such services is  
12 willing to relocate, except that a local  
13 board may approve training services for oc-  
14 cupations determined by the local board to  
15 be in sectors of the economy that have a  
16 high potential for sustained demand or  
17 growth in the local area.

18 (iv) RULE OF CONSTRUCTION.—Noth-  
19 ing in this paragraph shall be construed to  
20 preclude the combined use of individual  
21 training accounts and contracts in the pro-  
22 vision of training services, including ar-  
23 rangements that allow individuals receiving  
24 individual training accounts to obtain

1 training services that are contracted for  
2 under clause (ii).

3 (H) REIMBURSEMENT FOR ON-THE-JOB  
4 TRAINING.—

5 (i) REIMBURSEMENT LEVEL.—For  
6 purposes of the provision of on-the-job  
7 training under this paragraph, the Gov-  
8 ernor or local board involved may increase  
9 the amount of the reimbursement de-  
10 scribed in section 101(44) to an amount of  
11 up to 75 percent of the wage rate of a par-  
12 ticipant for a program carried out under  
13 chapter 2 or this chapter, if, respectively—

14 (I) the Governor approves the in-  
15 crease with respect to a program ear-  
16 ried out with funds reserved by the  
17 State under that chapter, taking into  
18 account the factors described in clause  
19 (ii); or

20 (II) the local board approves the  
21 increase with respect to a program  
22 carried out with funds allocated to a  
23 local area under such chapter, taking  
24 into account those factors.

1                   (ii) FACTORS.—For purposes of  
 2                   clause (i), the Governor or local board, re-  
 3                   spectively, shall take into account factors  
 4                   consisting of—

5                   (I) the characteristics of the par-  
 6                   ticipants;

7                   (II) the size of the employer;

8                   (III) the quality of employer-pro-  
 9                   vided training and advancement op-  
 10                  portunities; and

11                  (IV) such other factors as the  
 12                  Governor or local board, respectively,  
 13                  may determine to be appropriate,  
 14                  which may include the number of em-  
 15                  ployees participating in the training,  
 16                  wage and benefit levels of those em-  
 17                  ployees (at present and anticipated  
 18                  upon completion of the training), and  
 19                  relation of the training to the com-  
 20                  petitiveness of a participant.

21           (d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAIN-  
 22           ING ACTIVITIES.—

23                   (1) IN GENERAL.—

24                   (A) ACTIVITIES.—Funds allocated to a  
 25                   local area for adults under paragraph (2)(A) or

1           ~~(3)~~, as appropriate, of section ~~233(b)~~, and  
2           funds allocated to the local area for dislocated  
3           workers under section ~~233(b)(2)(B)~~, may be  
4           used to provide, through the one-stop delivery  
5           system involved (and through collaboration with  
6           the local board, for the purpose of the activities  
7           described in clauses ~~(ix)~~ and ~~(xi)~~)—

8                   (i) customized screening and referral  
9                   of qualified participants in training serv-  
10                  ices described in subsection ~~(c)(4)~~ to em-  
11                  ployers;

12                  (ii) customized employment-related  
13                  services to employers, employer associa-  
14                  tions, or other such organizations on a fee-  
15                  for-service basis;

16                  (iii) customer support to enable indi-  
17                  viduals with barriers to employment (in-  
18                  cluding individuals with disabilities) and  
19                  veterans, to navigate among multiple serv-  
20                  ices and activities for such populations;

21                  (iv) technical assistance and capacity  
22                  building for one-stop operators, one-stop  
23                  partners, and eligible providers of training  
24                  services, regarding the provision of services  
25                  to individuals with disabilities in local



1 areas, including the development and train-  
2 ing of staff, the provision of outreach, in-  
3 take, assessments, and service delivery, the  
4 coordination of services across providers  
5 and programs, and the development of per-  
6 formance accountability measures;

7 (v) employment and training activities  
8 provided in coordination with child support  
9 enforcement activities of the State and  
10 local agencies carrying out part D of title  
11 IV of the Social Security Act (42 U.S.C.  
12 ~~651~~ et seq.);

13 (vi) activities to improve coordination  
14 of employment and training activities, child  
15 support services, and assistance, provided  
16 by State and local agencies carrying out  
17 part D of title IV of the Social Security  
18 Act (~~42 U.S.C. 651~~ et seq.);

19 (vii) activities to improve coordination  
20 between employment and training activities  
21 and cooperative extension programs carried  
22 out by the Department of Agriculture;

23 (viii) activities to facilitate remote ac-  
24 cess to services provided through a one-

1 stop delivery system, including facilitating  
2 access through the use of technology;

3 (ix) activities—

4 (I) to improve coordination be-  
5 tween workforce investment activities  
6 and economic development activities  
7 carried out within the local area in-  
8 volved, and to promote entrepre-  
9 neurial skills training and microenter-  
10 prise services;

11 (II) to improve services and link-  
12 ages between the local workforce in-  
13 vestment system (including the local  
14 one-stop delivery system) and employ-  
15 ers, including small employers, in the  
16 local area, through services described  
17 in this section; and

18 (III) to strengthen linkages be-  
19 tween the one-stop delivery system  
20 and unemployment insurance pro-  
21 grams;

22 (x) training programs for displaced  
23 homemakers and for individuals training  
24 for nontraditional occupations, in conjune-

tion with programs operated in the local  
area;

(xi) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 118, which services—

(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and

(II) may include—

(aa) identifying and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development

1 needs, and opportunities pre-  
2 sented by the local economy;

3 (bb) developing and imple-  
4 menting industry sector strate-  
5 gies (including strategies involv-  
6 ing industry partnerships, re-  
7 gional skills alliances, industry  
8 skill panels, and sectoral skills  
9 partnerships) in which represent-  
10 atives of multiple employers for a  
11 specific industry sector or group  
12 of related occupations—

13 (AA) collaborate to ad-  
14 dress common workforce  
15 needs with suppliers, labor  
16 organizations, economic de-  
17 velopment agencies, eligible  
18 providers of training services  
19 described in section 222,  
20 and other entities that can  
21 provide needed supportive  
22 services tailored to the needs  
23 of workers in that sector or  
24 group for a local area or re-  
25 gion;

- 1                   (BB) identify current  
2                   and expected gaps between  
3                   the demand for and supply  
4                   of labor and skills in that  
5                   sector or group for that area  
6                   or region; and
- 7                   (CC) develop a strategic  
8                   plan and training efforts to  
9                   address skill gaps; advance  
10                  industry growth and com-  
11                  petitiveness; and improve  
12                  worker productivity; reten-  
13                  tion; advancement; and com-  
14                  petitiveness;
- 15                  (cc) developing and deliv-  
16                  ering innovative workforce invest-  
17                  ment services and strategies for  
18                  area employers; which may in-  
19                  clude career ladder; skills up-  
20                  grading; skill standard develop-  
21                  ment and certification for recog-  
22                  nized postsecondary credential or  
23                  other employer use; apprentice-  
24                  ship; and other effective initia-  
25                  tives for meeting the workforce

1 investment needs of area employ-  
2 ers and workers;

3 (dd) participation, of appro-  
4 priate personnel of area employ-  
5 ers, in seminars and classes of-  
6 fered in partnership with relevant  
7 organizations focusing on the  
8 workforce-related needs of area  
9 employers and job seekers;

10 (ee) training, consulting,  
11 needs analysis, and brokering  
12 services for area employers, in-  
13 cluding the organization and ag-  
14 gregation of training for indi-  
15 vidual employers and coalitions of  
16 employers with similar interests,  
17 products, or workforce needs, ex-  
18 cept that services described in  
19 this item may be paid for with  
20 funds other than those provided  
21 under this title;

22 (ff) assistance to area em-  
23 ployers in managing reductions  
24 in force in coordination with  
25 rapid response activities provided

1 under subsection (a)(2)(A) and  
2 with strategies for the aversion of  
3 layoffs, which strategies may in-  
4 clude early identification of firms  
5 at risk of layoffs, use of feasi-  
6 bility studies to assess the needs  
7 of and options for at-risk firms,  
8 and the delivery of employment  
9 and training activities to address  
10 risk factors;

11 (gg) the marketing of busi-  
12 ness services offered under this  
13 title, to appropriate area employ-  
14 ers, including small and mid-  
15 sized employers;

16 (hh) information referral on  
17 concerns affecting local employ-  
18 ers; and

19 (ii) other business services  
20 and strategies that better engage  
21 employers in workforce invest-  
22 ment activities and make the  
23 workforce investment system  
24 more relevant to meeting the  
25 needs of local businesses, as de-

1                   terminated by the local board to be  
2                   consistent with the objectives of  
3                   this title;

4                   (xii) activities to adjust the economic  
5                   self-sufficiency standards referred to in  
6                   subsection (a)(3)(A)(xii) for local factors;  
7                   or activities to adopt, calculate, or commis-  
8                   sion for approval, economic self-sufficiency  
9                   standards for the local areas that specify  
10                  the income needs of families, by family  
11                  size, the number and ages of children in  
12                  the family, and substate geographical con-  
13                  siderations;

14                  (xiii) improved coordination between  
15                  employment and training activities and  
16                  programs carried out in the local area for  
17                  individuals with disabilities, including pro-  
18                  grams carried out by State agencies relat-  
19                  ing to intellectual disabilities and develop-  
20                  mental disabilities, activities carried out by  
21                  Statewide Independent Living Councils es-  
22                  tablished under section 705 of the Reha-  
23                  bilitation Act of 1973 (29 U.S.C. 796d),  
24                  programs funded under part B of chapter  
25                  1 of title VII of such Act (29 U.S.C. 796e



et seq.); and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xiv) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 233(b), and funds allocated to the local area for dislocated workers under section 233(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the ap-

1           appropriate programs and resources of the  
2           partners with the activities and resources  
3           provided under this subparagraph.

4           (ii) ACTIVITIES.—The work support  
5           activities described in clause (i) may in-  
6           clude the provision of activities described  
7           in this section through the one-stop deliv-  
8           ery system in a manner that enhances the  
9           opportunities of such workers to partici-  
10          pate in the activities; such as the provision  
11          of activities described in this section during  
12          nontraditional hours and the provision of  
13          onsite child care while such activities are  
14          being provided.

15          (2) SUPPORTIVE SERVICES.—Funds allocated to  
16          a local area for adults under paragraph (2)(A) or  
17          (3), as appropriate, of section 233(b), and funds al-  
18          located to the local area for dislocated workers under  
19          section 233(b)(2)(B), may be used to provide sup-  
20          portive services to adults and dislocated workers, re-  
21          spectively—

22               (A) who are participating in programs with  
23               activities authorized in any of paragraphs (2),  
24               (3), or (4) of subsection (c); and

1           (B) who are unable to obtain such sup-  
 2           portive services through other programs pro-  
 3           viding such services.

4           ~~(3) NEEDS-RELATED PAYMENTS.—~~

5           (A) IN GENERAL.—Funds allocated to a  
 6           local area for adults under paragraph (2)(A) or  
 7           ~~(3)~~, as appropriate, of section 233(b), and  
 8           funds allocated to the local area for dislocated  
 9           workers under section 233(b)(2)(B), may be  
 10          used to provide needs-related payments to  
 11          adults and dislocated workers, respectively, who  
 12          are unemployed and do not qualify for (or have  
 13          ceased to qualify for) unemployment compensa-  
 14          tion for the purpose of enabling such individ-  
 15          uals to participate in programs of training serv-  
 16          ices under subsection (c)(4).

17          (B) ADDITIONAL ELIGIBILITY REQUIRE-  
 18          MENTS.—In addition to the requirements con-  
 19          tained in subparagraph (A), a dislocated worker  
 20          who has ceased to qualify for unemployment  
 21          compensation may be eligible to receive needs-  
 22          related payments under this paragraph only if  
 23          such worker was enrolled in the training serv-  
 24          ices—

1           (i) by the end of the 13th week after  
 2           the most recent layoff that resulted in a  
 3           determination of the worker's eligibility for  
 4           employment and training activities for dis-  
 5           located workers under this subtitle; or

6           (ii) if later, by the end of the 8th  
 7           week after the worker is informed that a  
 8           short-term layoff will exceed 6 months.

9           ~~(C) LEVEL OF PAYMENTS.~~—The level of a  
 10          needs-related payment made to a dislocated  
 11          worker under this paragraph shall not exceed  
 12          the greater of—

13          (i) the applicable level of unemploy-  
 14          ment compensation; or

15          (ii) if such worker did not qualify for  
 16          unemployment compensation, an amount  
 17          equal to the poverty line, for an equivalent  
 18          period, which amount shall be adjusted to  
 19          reflect changes in total family income.

20          ~~(4) INCUMBENT WORKER TRAINING PRO-~~  
 21          ~~GRAMS.—~~

22          ~~(A) IN GENERAL.—~~

23          (i) ~~STANDARD RESERVATION OF~~  
 24          ~~FUNDS.~~—Except as provided in clause (ii),  
 25          the local board may reserve and use not

1 more than 15 percent of the funds allo-  
2 cated to the local area involved under sec-  
3 tion 233(b) to pay for the Federal share of  
4 the cost of providing training through a  
5 training program for incumbent workers,  
6 carried out in accordance with this para-  
7 graph.

8 (ii) INCREASED RESERVATION OF  
9 FUNDS.—If the local board determines  
10 that there is sufficient evidence that use of  
11 the funds reserved under clause (i) led to  
12 employee retention by and contributed to  
13 creation of new jobs with employers that  
14 participated in incumbent worker training  
15 programs, the local board may reserve and  
16 use not more than a total of 20 percent of  
17 such funds to pay for the Federal share of  
18 such cost.

19 (iii) DETERMINATION OF ELIGI-  
20 BILITY.—For the purpose of determining  
21 the eligibility of an employer to receive  
22 funding under clause (i), the local board  
23 shall take into account factors consisting  
24 of—

1                   (I) the characteristics of the par-  
2                   ticipants in the program;

3                   (II) the relationship of the train-  
4                   ing to the competitiveness of a partici-  
5                   pant and the employer; and

6                   (III) such other factors as the  
7                   local board may determine to be ap-  
8                   propriate, which may include the  
9                   number of employees participating in  
10                  the training, the wage and benefit lev-  
11                  els of those employees (at present and  
12                  anticipated upon completion of the  
13                  training); and the existence of other  
14                  training and advancement opportuni-  
15                  ties provided by the employer.

16                  (iv) STATEWIDE IMPACT.—The Gov-  
17                  ernor or State board involved may make  
18                  recommendations to the local board for  
19                  providing incumbent worker training that  
20                  has statewide impact.

21                  (B) TRAINING ACTIVITIES.—The training  
22                  program for incumbent workers carried out  
23                  under this paragraph shall be carried out by the  
24                  local board in conjunction with the employers or  
25                  groups of employers of such workers (which

1           may include employers in partnership with  
2           other entities for the purposes of delivering  
3           training) for the purpose of assisting such  
4           workers in obtaining the skills necessary to re-  
5           tain employment or avert layoffs.

6           ~~(C) EMPLOYER PAYMENT OF NON-FED-~~  
7           ~~ERAL SHARE.~~—Employers participating in the  
8           program carried out under this paragraph shall  
9           be required to pay for the non-Federal share of  
10          the cost of providing the training to incumbent  
11          workers of the employers.

12          ~~(D) NON-FEDERAL SHARE.~~—

13               (i) ~~FACTORS.~~—Subject to clause (ii),  
14               the local board shall establish the non-Fed-  
15               eral share of such cost (taking into consid-  
16               eration such other factors as the number  
17               of employees participating in the training),  
18               the wage and benefit levels of the employ-  
19               ees (at the beginning and anticipated upon  
20               completion of the training), the relation-  
21               ship of the training to the competitiveness  
22               of the employer and employees, and the  
23               availability of other employer-provided  
24               training and advancement opportunities.

1                   (ii) ~~LIMITS.~~—The non-Federal share  
2 shall not be less than—

3                   (I) 10 percent of the cost, for  
4 employers with not more than 50 em-  
5 ployees;

6                   (II) 25 percent of the cost, for  
7 employers with more than 50 employ-  
8 ees but not more than 100 employees;  
9 and

10                  (III) 50 percent of the cost, for  
11 employers with more than 100 em-  
12 ployees.

13                  (iii) ~~CALCULATION OF EMPLOYER~~  
14 ~~SHARE.~~—The non-Federal share provided  
15 by an employer participating in the pro-  
16 gram may include the amount of the wages  
17 paid by the employer to a worker while the  
18 worker is attending a training program  
19 under this paragraph. The employer may  
20 provide the share in cash or in kind, fairly  
21 evaluated.

22                  (5) ~~TRANSITIONAL JOBS.~~—The local board may  
23 use not more than 10 percent of the funds allocated  
24 to the local area involved under section 233(b) to



1 provide transitional jobs under subsection (c)(4)  
 2 that—

3 (A) are time-limited work experiences that  
 4 are subsidized and are in the public, private, or  
 5 nonprofit sectors for individuals with barriers to  
 6 employment who are chronically unemployed or  
 7 have an inconsistent work history;

8 (B) are combined with comprehensive em-  
 9 ployment and supportive services; and

10 (C) are designed to assist the individuals  
 11 described in subparagraph (A) to establish a  
 12 work history, demonstrate success in the work-  
 13 place, and develop the skills that lead to entry  
 14 into and retention in unsubsidized employment.

## 15 **CHAPTER 4—GENERAL WORKFORCE** 16 **INVESTMENT PROVISIONS**

### 17 **SEC. 236. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **YOUTH WORKFORCE INVESTMENT ACTIVITIES.—**

19 There are authorized to be appropriated to carry out the  
 20 activities described in section 227(a), such sums as may  
 21 be necessary for each of fiscal years 2014 through 2018.

22 (b) **ADULT EMPLOYMENT AND TRAINING ACTIVI-**  
 23 **TIES.—**There are authorized to be appropriated to carry  
 24 out the activities described in section 232(a)(1), such

1 sums as may be necessary for each of fiscal years 2014  
2 through 2018.

3 ~~(c) DISLOCATED WORKER EMPLOYMENT AND~~  
4 ~~TRAINING ACTIVITIES.~~—There are authorized to be ap-  
5 propriated to carry out the activities described in section  
6 ~~232(a)(2)~~; such sums as may be necessary for each of fis-  
7 cal years 2014 through 2018.

## 8 **Subtitle C—Job Corps**

### 9 **SEC. 241. PURPOSES.**

10 The purposes of this subtitle are—

11 (1) to maintain a national Job Corps program;  
12 carried out in partnership with States and commu-  
13 nities; to—

14 (A) assist eligible youth to connect to the  
15 labor force by providing them with intensive so-  
16 cial, academic, career and technical education;  
17 and service-learning opportunities, in primarily  
18 residential centers, in order for such youth to  
19 obtain secondary school diplomas or recognized  
20 postsecondary credentials leading to—

21 (i) successful careers, in in-demand  
22 industry sectors or occupations or the  
23 Armed Forces, that will result in economic  
24 self-sufficiency and opportunities for ad-  
25 vancement; or

1                   (ii) enrollment in postsecondary edu-  
 2                   cation, including an apprenticeship pro-  
 3                   gram; and

4                   (B) support responsible citizenship;

5                   (2) to set forth standards and procedures for  
 6                   selecting individuals as enrollees in the Job Corps;

7                   (3) to authorize the establishment of Job Corps  
 8                   centers in which enrollees will participate in inten-  
 9                   sive programs of activities described in this subtitle;  
 10                  and

11                  (4) to prescribe various other powers, duties,  
 12                  and responsibilities incident to the operation and  
 13                  continuing development of the Job Corps.

14 **SEC. 242. DEFINITIONS.**

15                  In this subtitle:

16                  (1) **APPLICABLE LOCAL BOARD.**—The term  
 17                  “applicable local board” means a local board—

18                         (A) that provides information for a Job  
 19                         Corps center on local employment opportunities  
 20                         and the job skills needed to obtain the opportu-  
 21                         nities; and

22                         (B) that serves communities in which the  
 23                         graduates of the Job Corps center seek employ-  
 24                         ment.

1           (2) APPLICABLE ONE-STOP CENTER.—The term  
2           “applicable one-stop center” means a one-stop cen-  
3           ter that provides services, such as referral, assess-  
4           ment, recruitment, and placement, to support the  
5           purposes of the Job Corps.

6           (3) ENROLLEE.—The term “enrollee” means  
7           an individual who has voluntarily applied for, been  
8           selected for, and enrolled in the Job Corps program,  
9           and remains with the program, but has not yet be-  
10          come a graduate.

11          (4) FORMER ENROLLEE.—The term “former  
12          enrollee” means an individual who has voluntarily  
13          applied for, been selected for, and enrolled in the  
14          Job Corps program, but left the program prior to  
15          becoming a graduate.

16          (5) GRADUATE.—The term “graduate” means  
17          an individual who has voluntarily applied for, been  
18          selected for, and enrolled in the Job Corps program  
19          and who, as a result of participation in the Job  
20          Corps program, has received a secondary school di-  
21          ploma or recognized equivalent, or completed the re-  
22          quirements of a career and technical education and  
23          training program that prepares individuals for em-  
24          ployment leading to economic self-sufficiency or en-  
25          trance into postsecondary education or training.

1           (6) ~~JOB CORPS.~~—The term “Job Corps” means  
2     the Job Corps described in section 243.

3           (7) ~~JOB CORPS CENTER.~~—The term “Job Corps  
4     center” means a center described in section 247.

5           (8) ~~OPERATOR.~~—The term “operator” means  
6     an entity selected under this subtitle to operate a  
7     Job Corps center.

8           (9) ~~REGION.~~—The term “region” means an  
9     area defined by the Secretary.

10          (10) ~~SERVICE PROVIDER.~~—The term “service  
11     provider” means an entity selected under this sub-  
12     title to provide services described in this subtitle to  
13     a Job Corps center.

14     **SEC. 243. ESTABLISHMENT.**

15         There shall be within the Department of Labor a  
16     “Job Corps”.

17     **SEC. 244. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

18         (a) ~~IN GENERAL.~~—To be eligible to become an en-  
19     rollee, an individual shall be—

20           (1) not less than age 16 and not more than age  
21     21 on the date of enrollment, except that—

22           (A) not more than 20 percent of the indi-  
23     viduals enrolled in the Job Corps may be not  
24     less than age 22 and not more than age 24 on  
25     the date of enrollment; and

1           ~~(B)~~ either such maximum age limitation  
 2           may be waived by the Secretary, in accordance  
 3           with regulations of the Secretary, in the case of  
 4           an individual with a disability;

5           ~~(2)~~ a low-income individual; and

6           ~~(3)~~ an individual who is one or more of the fol-  
 7           lowing:

8                     ~~(A)~~ Basic skills deficient.

9                     ~~(B)~~ A school dropout.

10                    ~~(C)~~ A homeless individual (as defined in  
 11                    section 41403(6) of the Violence Against  
 12                    Women Act of 1994 (42 U.S.C. 14043e-2(6)),  
 13                    except that clauses (i)(IV) and (iii) of subpara-  
 14                    graph (B) of such section shall not apply); a  
 15                    homeless child or youth (as defined in section  
 16                    725(2) of the McKinney-Vento Homeless As-  
 17                    sistance Act (42 U.S.C. 11434a(2)), except that  
 18                    subparagraph (B)(iv) of such section shall not  
 19                    apply); a runaway, an individual in foster care,  
 20                    or an individual who was in foster care and has  
 21                    aged out of the foster care system.

22                    ~~(D)~~ A parent.

23                    ~~(E)~~ An individual who requires additional  
 24                    education, career and technical education or  
 25                    training, or workforce preparation skills to be

1           able to obtain and retain employment that leads  
2           to economic self-sufficiency.

3       (b) ~~SPECIAL RULE FOR VETERANS.~~—Notwith-  
4 standing the requirement of subsection (a)(2), a veteran  
5 of the Armed Forces shall be eligible to become an enrollee  
6 under subsection (a) if the individual—

7           (1) meets the requirements of paragraphs (1)  
8       and (3) of such subsection; and

9           (2) does not meet the requirement of subsection  
10       (a)(2) because the military income earned by such  
11       individual within the 6-month period prior to the in-  
12       dividual's application for Job Corps prevents the in-  
13       dividual from meeting such requirement.

14 **SEC. 245. RECRUITMENT, SCREENING, SELECTION, AND AS-**  
15 **SIGNMENT OF ENROLLEES.**

16       (a) ~~STANDARDS AND PROCEDURES.~~—

17           (1) ~~IN GENERAL.~~—The Secretary shall pre-  
18 scribe specific standards and procedures for the re-  
19 cruitment, screening, and selection of eligible appli-  
20 cants for the Job Corps, after considering rec-  
21 ommendations from Governors of States, local  
22 boards, and other interested parties.

23           (2) ~~METHODS.~~—In prescribing standards and  
24 procedures under paragraph (1), the Secretary, at a  
25 minimum, shall—

1           (A) prescribe procedures for informing en-  
2           rollees that drug tests will be administered to  
3           the enrollees and the results received within 45  
4           days after the enrollees enroll in the Job Corps;

5           (B) establish standards for recruitment of  
6           Job Corps applicants;

7           (C) establish standards and procedures  
8           for—

9                   (i) determining, for each applicant,  
10           whether the educational and career and  
11           technical education and training needs of  
12           the applicant can best be met through the  
13           Job Corps program or an alternative pro-  
14           gram in the community in which the appli-  
15           cant resides; and

16                   (ii) obtaining from each applicant per-  
17           tinent data relating to background, needs,  
18           and interests for determining eligibility  
19           and potential assignment;

20           (D) where appropriate, take measures to  
21           improve the professional capability of the indi-  
22           viduals conducting screening of the applicants;  
23           and



1           ~~(E)~~ assure appropriate representation of  
2           enrollees from urban areas and from rural  
3           areas.

4           ~~(3)~~ IMPLEMENTATION.—To the extent prac-  
5           ticable, the standards and procedures shall be imple-  
6           mented through arrangements with—

7                   (A) applicable one-stop centers;

8                   (B) community action agencies, business  
9                   organizations, and labor organizations;

10                  (C) agencies and individuals that have con-  
11                  tact with youth over substantial periods of time  
12                  and are able to offer reliable information about  
13                  the needs and problems of youth; and

14                  (D) child welfare agencies that are respon-  
15                  sible for children in foster care and children eli-  
16                  gible for assistance under section 477 of the So-  
17                  cial Security Act (42 U.S.C. 677).

18           ~~(4)~~ CONSULTATION.—The standards and proce-  
19           dures shall provide for necessary consultation with  
20           individuals and organizations, including court, pro-  
21           bation, parole, law enforcement, education, welfare,  
22           and medical authorities and advisers.

23           ~~(5)~~ REIMBURSEMENT.—The Secretary is au-  
24           thorized to enter into contracts with and make pay-  
25           ments to individuals and organizations for the cost

1 of conducting recruitment, screening, and selection  
 2 of eligible applicants for the Job Corps, as provided  
 3 for in this section. The Secretary shall make no pay-  
 4 ment to any individual or organization solely as com-  
 5 pensation for referring the names of applicants for  
 6 the Job Corps.

7 (b) SPECIAL LIMITATIONS ON SELECTION.—

8 (1) IN GENERAL.—No individual shall be se-  
 9 lected as an enrollee unless the individual or organi-  
 10 zation implementing the standards and procedures  
 11 described in subsection (a) determines that—

12 (A) there is a reasonable expectation that  
 13 the individual considered for selection can par-  
 14 ticipate successfully in group situations and ac-  
 15 tivities, and is not likely to engage in behavior  
 16 that would prevent other enrollees from receiv-  
 17 ing the benefit of the Job Corps program or be  
 18 incompatible with the maintenance of sound  
 19 discipline and satisfactory relationships between  
 20 the Job Corps center to which the individual  
 21 might be assigned and communities sur-  
 22 rounding the Job Corps center;

23 (B) the individual manifests a basic under-  
 24 standing of both the rules to which the indi-  
 25 vidual will be subject and of the consequences

1 of failure to observe the rules; and agrees to  
 2 comply with such rules; and

3 ~~(C)~~ the individual has passed a background  
 4 check conducted in accordance with procedures  
 5 established by the Secretary.

6 ~~(2) INDIVIDUALS ON PROBATION; PAROLE, OR~~  
 7 ~~SUPERVISED RELEASE.~~—An individual on probation;  
 8 parole, or supervised release may be selected as an  
 9 enrollee only if release from the supervision of the  
 10 probation or parole official involved is satisfactory to  
 11 the official and the Secretary and does not violate  
 12 applicable laws (including regulations). No individual  
 13 shall be denied a position in the Job Corps solely on  
 14 the basis of individual contact with the criminal jus-  
 15 tice system.

16 ~~(c) ASSIGNMENT PLAN.~~—

17 ~~(1) IN GENERAL.~~—Every 2 years, the Secretary  
 18 shall develop and implement a plan for assigning en-  
 19 rollees to Job Corps centers. In developing the plan,  
 20 the Secretary shall, based on the analysis described  
 21 in paragraph ~~(2)~~, establish targets, applicable to  
 22 each Job Corps center, for—

23 ~~(A)~~ the maximum attainable percentage of  
 24 enrollees at the Job Corps center that reside in  
 25 the State in which the center is located; and

1           (B) the maximum attainable percentage of  
2           enrollees at the Job Corps center that reside in  
3           the region in which the center is located, and in  
4           surrounding regions.

5           (2) ANALYSIS.—In order to develop the plan  
6           described in paragraph (1), every 2 years the Sec-  
7           retary, in consultation with operators of Job Corps  
8           centers, shall analyze relevant factors relating to  
9           each Job Corps center, including—

10           (A) the size of the population of individ-  
11           uals eligible to participate in Job Corps in the  
12           State and region in which the Job Corps center  
13           is located, and in surrounding regions;

14           (B) the relative demand for participation  
15           in the Job Corps in the State and region, and  
16           in surrounding regions;

17           (C) the capacity and utilization of the Job  
18           Corps center, including the education, training,  
19           and supportive services provided through the  
20           center, and

21           (D) the performance of the Job Corps cen-  
22           ter relating to the expected levels of perform-  
23           ance for the indicators described in section  
24           259(e)(1), and whether any actions have been

1 taken with respect to such center pursuant to  
 2 paragraphs (2) and (3) of section 259(f).

3 ~~(d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—~~

4 ~~(1) IN GENERAL.—~~After an individual has been  
 5 selected for the Job Corps in accordance with the  
 6 standards and procedures of the Secretary under  
 7 subsection (a), the enrollee shall be assigned to the  
 8 Job Corps center that offers the type of career and  
 9 technical education and training selected by the indi-  
 10 vidual and, among the centers that offer such edu-  
 11 cation and training, is closest to the home of the in-  
 12 dividual. The Secretary may waive this requirement  
 13 if—

14 ~~(A)~~ the enrollee would be unduly delayed  
 15 in participating in the Job Corps program be-  
 16 cause the closest center is operating at full ca-  
 17 pacity; or

18 ~~(B)~~ the parent or guardian of the enrollee  
 19 requests assignment of the enrollee to another  
 20 Job Corps center due to circumstances in the  
 21 community of the enrollee that would impair  
 22 prospects for successful participation in the Job  
 23 Corps program.

24 ~~(2) ENROLLEES WHO ARE YOUNGER THAN~~  
 25 ~~18.—~~An enrollee who is younger than 18 shall not

1 be assigned to a Job Corps center other than the  
 2 center closest to the home that offers the career and  
 3 technical education and training desired by the en-  
 4 rollee pursuant to paragraph (1) if the parent or  
 5 guardian of the enrollee objects to the assignment.

6 **SEC. 246. ENROLLMENT.**

7 (a) **RELATIONSHIP BETWEEN ENROLLMENT AND**  
 8 **MILITARY OBLIGATIONS.**—Enrollment in the Job Corps  
 9 shall not relieve any individual of obligations under the  
 10 Military Selective Service Act (50 U.S.C. App. 451 et  
 11 seq.).

12 (b) **PERIOD OF ENROLLMENT.**—No individual may  
 13 be enrolled in the Job Corps for more than 2 years, ex-  
 14 cept—

15 (1) in a case in which completion of an ad-  
 16 vanced career training program under section 248(c)  
 17 would require an individual to participate in the Job  
 18 Corps for not more than one additional year;

19 (2) in the case of an individual with a disability  
 20 who would reasonably be expected to meet the stand-  
 21 ards for a Job Corps graduate, as defined under sec-  
 22 tion 242(5), if allowed to participate in the Job  
 23 Corps for not more than 1 additional year;

24 (3) in the case of an individual who participates  
 25 in national service, as authorized by a Civilian Con-

1       servation Center program, who would be granted an  
 2       enrollment extension in the Job Corps for the  
 3       amount of time equal to the period of national serv-  
 4       ice; or

5           (4) as the Secretary may authorize in a special  
 6       case.

7   **SEC. 247. JOB CORPS CENTERS.**

8       (a) OPERATORS AND SERVICE PROVIDERS.—

9           (1) ELIGIBLE ENTITIES.—

10           (A) OPERATORS.—The Secretary shall  
 11       enter into an agreement with a Federal, State,  
 12       or local agency, an area career and technical  
 13       education school, a residential career and tech-  
 14       nical education school, or a private organiza-  
 15       tion, for the operation of each Job Corps cen-  
 16       ter.

17           (B) PROVIDERS.—The Secretary may  
 18       enter into an agreement with a local entity, or  
 19       other entity with the necessary capacity, to pro-  
 20       vide activities described in this subtitle to a Job  
 21       Corps center.

22           (2) SELECTION PROCESS.—

23           (A) COMPETITIVE BASIS.—Except as pro-  
 24       vided in subsections (a) and (b) of section 3304  
 25       of title 41, United States Code, the Secretary

1 shall select on a competitive basis an entity to  
 2 operate a Job Corps center and entities to pro-  
 3 vide activities described in this subtitle to the  
 4 Job Corps center. In developing a solicitation  
 5 for an operator or service provider, the Sec-  
 6 retary shall consult with the Governor of the  
 7 State in which the center is located, the indus-  
 8 try council for the Job Corps center (if estab-  
 9 lished), and the applicable local board regarding  
 10 the contents of such solicitation, including ele-  
 11 ments that will promote the consistency of the  
 12 activities carried out through the center with  
 13 the objectives set forth in the State plan or in  
 14 a local plan.

15 (B) RECOMMENDATIONS AND CONSIDER-  
 16 ATIONS.—

17 (i) OPERATORS.—In selecting an enti-  
 18 ty to operate a Job Corps center, the Sec-  
 19 retary shall consider—

20 (I) the ability of the entity to co-  
 21 ordinate the activities carried out  
 22 through the Job Corps center with ac-  
 23 tivities carried out under the appro-  
 24 priate State plan and local plans;



1 (II) the degree to which the ca-  
2 reer and technical education and  
3 training that the entity proposes for  
4 the center reflects employment oppor-  
5 tunities in the local areas in which en-  
6 rollees at the center intend to seek  
7 employment;

8 (III) the degree to which the en-  
9 tity demonstrates relationships with  
10 the surrounding communities; employ-  
11 ers, labor organizations, workforce  
12 boards, applicable one-stop centers,  
13 and State and region in which the  
14 center is located; and

15 (IV) the performance of the enti-  
16 ty, if any, relating to operating or  
17 providing activities described in this  
18 subtitle to a Job Corps center, includ-  
19 ing the entity's demonstrated effec-  
20 tiveness in assisting individuals in  
21 achieving the primary indicators of  
22 performance for eligible youth de-  
23 scribed in section 131(b)(2)(A)(ii).

24 (ii) PROVIDERS.—In selecting a serv-  
25 ice provider for a Job Corps center, the

1           Secretary shall consider the factors de-  
2           scribed in subclauses (I) through (IV) of  
3           clause (i), as appropriate.

4       (b) CHARACTER AND ACTIVITIES.—Job Corps cen-  
5       ters may be residential or nonresidential in character, and  
6       shall be designed and operated so as to provide enrollees,  
7       in a well-supervised setting, with access to activities de-  
8       scribed in this subtitle. In any year, no more than 20 per-  
9       cent of the individuals enrolled in the Job Corps may be  
10      nonresidential participants in the Job Corps.

11      (c) CIVILIAN CONSERVATION CENTERS.—

12           (1) IN GENERAL.—The Job Corps centers may  
13      include Civilian Conservation Centers, operated  
14      under an agreement between the Secretary of Labor  
15      and the Secretary of Agriculture, that are located  
16      primarily in rural areas. Such centers shall provide,  
17      in addition to academics, career and technical edu-  
18      cation and training, and workforce preparation skills  
19      training, programs of work experience to conserve,  
20      develop, or manage public natural resources or pub-  
21      lic recreational areas or to develop community  
22      projects in the public interest.

23           (2) ASSISTANCE DURING DISASTERS.—Enroll-  
24      ees in Civilian Conservation Centers may provide as-  
25      sistance in addressing national, State, and local dis-

1       asters, consistent with current child labor laws and  
 2       regulations. The Secretary of Agriculture shall en-  
 3       sure that with respect to the provision of such as-  
 4       sistance the enrollees are properly trained, equipped,  
 5       supervised, and dispatched consistent with standards  
 6       for the conservation and rehabilitation of wildlife es-  
 7       tablished under the Fish and Wildlife Coordination  
 8       Act (16 U.S.C. 661 et seq.).

9           (3) NATIONAL LIAISON.—The Secretary of Ag-  
 10       riculture shall designate a Job Corps National Liai-  
 11       son to support the agreement under this section be-  
 12       tween the Departments of Labor and Agriculture.

13       (d) INDIAN TRIBES.—

14           (1) GENERAL AUTHORITY.—The Secretary may  
 15       enter into agreements with Indian tribes to operate  
 16       Job Corps centers for Indians.

17           (2) DEFINITIONS.—In this subsection, the  
 18       terms “Indian” and “Indian tribe” have the mean-  
 19       ings given such terms in subsections (d) and (e), re-  
 20       spectively, of section 4 of the Indian Self-Determina-  
 21       tion and Education Assistance Act (25 U.S.C.  
 22       450b).

23   **SEC. 248. PROGRAM ACTIVITIES.**

24       (a) ACTIVITIES PROVIDED BY JOB CORPS CEN-  
 25       TERS.—

1           (1) IN GENERAL.—Each Job Corps center shall  
2       provide enrollees with an intensive, well organized,  
3       and fully supervised program of education, including  
4       English language acquisition programs, career and  
5       technical education and training, work experience,  
6       work-based learning, recreational activities, physical  
7       rehabilitation and development, driver's education,  
8       and counseling, which may include information  
9       about financial literacy. Each Job Corps center shall  
10      provide enrollees assigned to the center with access  
11      to core services described in section 234(e)(2) and  
12      the intensive services described in section 234(e)(3).

13          (2) RELATIONSHIP TO OPPORTUNITIES.—The  
14      activities provided under this subsection shall be tar-  
15      geted to helping enrollees, on completion of their en-  
16      rollment—

17                (A) secure and maintain meaningful un-  
18                subsidized employment;

19                (B) enroll in and complete secondary edu-  
20                cation or postsecondary education or training  
21                programs, including other suitable career and  
22                technical education and training, and appren-  
23                ticeship programs; or

24                (C) satisfy Armed Forces requirements.

1           ~~(3) LINK TO EMPLOYMENT OPPORTUNITIES.—~~

2           The career and technical education and training pro-  
3           vided shall be linked to the employment opportuni-  
4           ties in the local area in which the enrollee intends  
5           to seek employment after graduation.

6           ~~(b) ACADEMIC AND CAREER AND TECHNICAL EDU-~~  
7           ~~CATION AND TRAINING.—~~The Secretary may arrange for  
8           career and technical education and training of enrollees  
9           through local public or private educational agencies, career  
10          and technical educational institutions, technical institutes,  
11          or national service providers, whenever such entities pro-  
12          vide education and training substantially equivalent in  
13          cost and quality to that which the Secretary could provide  
14          through other means.

15          ~~(c) ADVANCED CAREER TRAINING PROGRAMS.—~~

16                 ~~(1) IN GENERAL.—~~The Secretary may arrange  
17                 for programs of advanced career training for se-  
18                 lected enrollees in which the enrollees may continue  
19                 to participate for a period of not to exceed 1 year  
20                 in addition to the period of participation to which  
21                 the enrollees would otherwise be limited. The ad-  
22                 vanced career training may be provided through the  
23                 eligible providers of training services identified under  
24                 section 222.

1           (2) BENEFITS.—During the period of participa-  
2           tion in an advanced career training program, an en-  
3           rollee shall be eligible for full Job Corps benefits, or  
4           a monthly stipend equal to the average value of the  
5           residential support, food, allowances, and other ben-  
6           efits provided to enrollees assigned to residential Job  
7           Corps centers.

8           (3) DEMONSTRATION.—The Secretary shall de-  
9           velop standards by which any operator seeking to  
10          enroll additional enrollees in an advanced career  
11          training program shall demonstrate that participants  
12          in such program have achieved a satisfactory rate of  
13          completion and placement in training-related jobs  
14          before the operator may carry out such additional  
15          enrollment.

16          (d) GRADUATE SERVICES.—In order to promote the  
17          retention of graduates in employment or postsecondary  
18          education, the Secretary shall arrange for the provision  
19          of job placement and support services to graduates for up  
20          to 12 months after the date of graduation. Multiple re-  
21          sources, including one-stop partners, may support the pro-  
22          vision of these services, including services from the State  
23          vocational rehabilitation agency to supplement job place-  
24          ment and job development efforts for Job Corps graduates  
25          who are individuals with disabilities.

1        (e) CHILD CARE.—The Secretary shall, to the extent  
 2 practicable, provide child care at or near Job Corps cen-  
 3 ters, for individuals who require child care for their chil-  
 4 dren in order to participate in the Job Corps.

5 **SEC. 249. COUNSELING AND JOB PLACEMENT.**

6        (a) ASSESSMENT AND COUNSELING.—The Secretary  
 7 shall arrange for assessment and counseling for each en-  
 8 rollee at regular intervals to measure progress in the aca-  
 9 demic and career and technical education and training  
 10 programs carried out through the Job Corps.

11        (b) PLACEMENT.—The Secretary shall arrange for  
 12 assessment and counseling for enrollees prior to their  
 13 scheduled graduations to determine their capabilities and,  
 14 based on their capabilities, shall make every effort to ar-  
 15 range to place the enrollees in employment leading to eco-  
 16 nomic self-sufficiency for which the enrollees are trained  
 17 or to assist the enrollees in participating in further activi-  
 18 ties described in this subtitle. In arranging for the place-  
 19 ment of graduates in jobs, the Secretary shall utilize the  
 20 one-stop delivery system to the maximum extent prac-  
 21 ticable.

22        (c) STATUS AND PROGRESS.—The Secretary shall de-  
 23 termine the status and progress of enrollees scheduled for  
 24 graduation and make every effort to assure that their

1 needs for further activities described in this subtitle are  
 2 met.

3 (d) SERVICES TO FORMER ENROLLEES.—The Sec-  
 4 retary may provide such services as the Secretary deter-  
 5 mines to be appropriate under this subtitle to former en-  
 6 rollees.

7 **SEC. 250. SUPPORT.**

8 (a) PERSONAL ALLOWANCES.—The Secretary may  
 9 provide enrollees assigned to Job Corps centers with such  
 10 personal allowances as the Secretary may determine to be  
 11 necessary or appropriate to meet the needs of the enroll-  
 12 ees.

13 (b) TRANSITION ALLOWANCES.—The Secretary shall  
 14 arrange for a transition allowance to be paid to graduates.  
 15 The transition allowance shall be incentive-based to reflect  
 16 a graduate's completion of academic, career and technical  
 17 education or training, and attainment of recognized post-  
 18 secondary credentials.

19 (c) TRANSITION SUPPORT.—The Secretary may ar-  
 20 range for the provision of 3 months of employment serv-  
 21 ices for former enrollees.

22 **SEC. 251. OPERATING PLAN.**

23 (a) IN GENERAL.—The provisions of the contract be-  
 24 tween the Secretary and an entity selected to operate a



1 Job Corps center shall, at a minimum, serve as an oper-  
 2 ating plan for the Job Corps center.

3 (b) ~~ADDITIONAL INFORMATION.~~—The Secretary may  
 4 require the operator, in order to remain eligible to operate  
 5 the Job Corps center, to submit such additional informa-  
 6 tion as the Secretary may require, which shall be consid-  
 7 ered part of the operating plan.

8 (c) ~~AVAILABILITY.~~—The Secretary shall make the op-  
 9 erating plan described in subsections (a) and (b), exclud-  
 10 ing any proprietary information, available to the public.

11 **SEC. 252. STANDARDS OF CONDUCT.**

12 (a) ~~PROVISION AND ENFORCEMENT.~~—The Secretary  
 13 shall provide, and directors of Job Corps centers shall  
 14 stringently enforce, standards of conduct within the cen-  
 15 ters. Such standards of conduct shall include provisions  
 16 forbidding the actions described in subsection (b)(2)(A).

17 (b) ~~DISCIPLINARY MEASURES.~~—

18 (1) ~~IN GENERAL.~~—To promote the proper be-  
 19 havioral standards in the Job Corps, the directors of  
 20 Job Corps centers shall have the authority to take  
 21 appropriate disciplinary measures against enrollees  
 22 if such a director determines that an enrollee has  
 23 committed a violation of the standards of conduct.  
 24 The director shall dismiss the enrollee from the Job  
 25 Corps if the director determines that the retention

of the enrollee in the Job Corps will jeopardize the enforcement of such standards, threaten the safety of staff, students, or the local community, or diminish the opportunities of other enrollees.

(2) ZERO TOLERANCE POLICY AND DRUG TESTING.—

(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 245(a).

(C) DEFINITIONS.—In this paragraph:

(i) CONTROLLED SUBSTANCE.—The term “controlled substance” has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term “zero tolerance policy” means a pol-

1                   icy under which an enrollee shall be auto-  
 2                   matically dismissed from the Job Corps  
 3                   after a determination by the director that  
 4                   the enrollee has carried out an action de-  
 5                   scribed in subparagraph (A).

6           (c) APPEAL.—A disciplinary measure taken by a di-  
 7   rector under this section shall be subject to expeditious  
 8   appeal in accordance with procedures established by the  
 9   Secretary.

10 **SEC. 253. COMMUNITY PARTICIPATION.**

11       (a) BUSINESS AND COMMUNITY PARTICIPATION.—  
 12   The director of each Job Corps center shall ensure the  
 13   establishment and development of the business and com-  
 14   munity networks described in subsection (b) in order to  
 15   enhance the effectiveness of such centers.

16       (b) NETWORKS.—The activities carried out by each  
 17   Job Corps center under this section shall include—

18               (1) establishing and developing relationships  
 19       and networks with—

20                       (A) local and distant employers, to the ex-  
 21       tent practicable, in coordination with other Fed-  
 22       eral and non-Federal programs that conduct  
 23       similar outreach to employers;

1           (B) applicable one-stop centers and appli-  
2           eable local boards, for the purpose of pro-  
3           viding—

4                   (i) information to, and referral of, po-  
5                   tential enrollees; and

6                   (ii) job opportunities for Job Corps  
7                   graduates; and

8           (C)(i) relevant apprenticeship programs  
9           and youth programs;

10                   (ii) labor-management organizations and  
11                   local labor organizations;

12                   (iii) employers and contractors that sup-  
13                   port national training contractor programs; and

14                   (iv) community-based organizations, non-  
15                   profit organizations, and intermediaries pro-  
16                   viding workforce development-related services;  
17                   and

18           (2) establishing and developing relationships  
19           with members of the community in which the Job  
20           Corps center is located, informing members of the  
21           community about the projects of the Job Corps cen-  
22           ter and changes in the rules, procedures, or activities  
23           of the center that may affect the community, and  
24           planning events of mutual interest to the community  
25           and the Job Corps center.

1       (c) NEW CENTERS.—The director of a Job Corps  
 2 center that is not yet operating shall ensure the establish-  
 3 ment and development of the relationships and networks  
 4 described in subsection (b) at least 3 months prior to the  
 5 date on which the center accepts the first enrollee at the  
 6 center.

7 **SEC. 254. INDUSTRY COUNCILS.**

8       (a) IN GENERAL.—Each Job Corps center shall have  
 9 an industry council, appointed by the director of the cen-  
 10 ter, in accordance with procedures established by the Sec-  
 11 retary.

12       (b) INDUSTRY COUNCIL COMPOSITION.—

13               (1) IN GENERAL.—An industry council shall be  
 14 comprised of—

15                       (A) a majority of members who shall be  
 16 owners of business concerns; chief executives or  
 17 chief operating officers of nongovernmental em-  
 18 ployers; or other private sector employers;  
 19 who—

20                               (i) have substantial management, hir-  
 21 ing, or policy responsibility; and

22                               (ii) represent businesses with employ-  
 23 ment opportunities that reflect the employ-  
 24 ment opportunities of the applicable local

1            areas in which enrollees will be seeking em-  
 2            ployment;

3            ~~(B)~~ representatives of labor organizations  
 4            ~~(where present)~~ and representatives of employ-  
 5            ees; and

6            ~~(C)~~ enrollees and graduates of the Job  
 7            Corps.

8            ~~(2)~~ LOCAL BOARD.—The industry council may  
 9            include members of the applicable local boards who  
 10           meet the requirements described in paragraph ~~(1)~~.

11           ~~(3)~~ EMPLOYERS OUTSIDE OF LOCAL AREA.—  
 12           The industry council for a Job Corps center may in-  
 13           clude, or otherwise provide for consultation with,  
 14           employers from outside the local area who are likely  
 15           to hire a significant number of enrollees from the  
 16           Job Corps center.

17           ~~(4)~~ SPECIAL RULE FOR SINGLE STATE LOCAL  
 18           AREAS.—In the case of a single State local area des-  
 19           ignated under section 116(b), the industry council  
 20           shall include a representative of the State Board.

21           ~~(c)~~ RESPONSIBILITIES.—The responsibilities of the  
 22           industry council shall be—

23           ~~(1)~~ to work closely with all applicable local  
 24           boards in order to determine, and recommend to the

1 Secretary, appropriate career and technical edu-  
 2 cation and training for the center;

3 ~~(2)~~ to review all the relevant labor market in-  
 4 formation to—

5 (A) determine the employment opportuni-  
 6 ties in the local areas in which the enrollees in-  
 7 tend to seek employment after graduation;

8 (B) determine the skills and education that  
 9 are necessary to obtain the employment oppor-  
 10 tunities; and

11 (C) recommend to the Secretary the type  
 12 of career and technical education and training  
 13 that should be implemented at the center to en-  
 14 able the enrollees to obtain the employment op-  
 15 portunities; and

16 ~~(3)~~ to meet at least once every 6 months to re-  
 17 evaluate the labor market information, and other rel-  
 18 evant information, to determine, and recommend to  
 19 the Secretary, any necessary changes in the career  
 20 and technical education and training provided at the  
 21 center.

22 ~~(d) NEW CENTERS.~~—The industry council for a Job  
 23 Corps center that is not yet operating shall carry out the  
 24 responsibilities described in subsection ~~(c)~~ at least 3

1 months prior to the date on which the center accepts the  
2 first enrollee at the center.

3 **SEC. 255. ADVISORY COMMITTEES.**

4       The Secretary may establish and use advisory com-  
5 mittees in connection with the operation of the Job Corps  
6 program, and the operation of Job Corps centers, when-  
7 ever the Secretary determines that the availability of out-  
8 side advice and counsel on a regular basis would be of  
9 substantial benefit in identifying and overcoming prob-  
10 lems, in planning program or center development, or in  
11 strengthening relationships between the Job Corps and  
12 agencies, institutions, or groups engaged in related activi-  
13 ties.

14 **SEC. 256. EXPERIMENTAL, RESEARCH, AND DEMONSTRA-**  
15 **TION PROJECTS.**

16       The Secretary may carry out experimental, research,  
17 or demonstration projects relating to carrying out the Job  
18 Corps program. The Secretary may waive any provisions  
19 of this subtitle that the Secretary finds would prevent the  
20 Secretary from carrying out the projects if the Secretary  
21 informs the Committee on Health, Education, Labor, and  
22 Pensions of the Senate and the Committee on Education  
23 and the Workforce of the House of Representatives, in  
24 writing, not less than 90 days in advance of issuing such  
25 waiver.



1 **SEC. 257. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

2       (a) **ENROLLEES NOT CONSIDERED TO BE FEDERAL**  
3 **EMPLOYEES.—**

4           (1) **IN GENERAL.**—Except as otherwise pro-  
5 vided in this subsection and in section 8143(a) of  
6 title 5, United States Code, enrollees shall not be  
7 considered to be Federal employees and shall not be  
8 subject to the provisions of law relating to Federal  
9 employment, including such provisions regarding  
10 hours of work, rates of compensation, leave, unem-  
11 ployment compensation, and Federal employee bene-  
12 fits.

13           (2) **PROVISIONS RELATING TO TAXES AND SO-**  
14 **CIAL SECURITY BENEFITS.**—For purposes of the In-  
15 ternal Revenue Code of 1986 and title II of the So-  
16 cial Security Act (42 U.S.C. 401 et seq.), enrollees  
17 shall be deemed to be employees of the United  
18 States and any service performed by an individual as  
19 an enrollee shall be deemed to be performed in the  
20 employ of the United States.

21           (3) **PROVISIONS RELATING TO COMPENSATION**  
22 **TO FEDERAL EMPLOYEES FOR WORK INJURIES.**—  
23 For purposes of subchapter I of chapter 81 of title  
24 5, United States Code (relating to compensation to  
25 Federal employees for work injuries), enrollees shall  
26 be deemed to be civil employees of the Government

1 of the United States within the meaning of the term  
2 “employee” as defined in section 8101 of title 5,  
3 United States Code, and the provisions of such sub-  
4 chapter shall apply as specified in section 8143(a) of  
5 title 5, United States Code.

6 (4) FEDERAL TORT CLAIMS PROVISIONS.—For  
7 purposes of the Federal tort claims provisions in  
8 title 28, United States Code, enrollees shall be con-  
9 sidered to be employees of the Government.

10 (b) ADJUSTMENTS AND SETTLEMENTS.—Whenever  
11 the Secretary finds a claim for damages to a person or  
12 property resulting from the operation of the Job Corps  
13 to be a proper charge against the United States, and the  
14 claim is not cognizable under section 2672 of title 28,  
15 United States Code, the Secretary may adjust and settle  
16 the claim in an amount not exceeding \$1,500.

17 (c) PERSONNEL OF THE UNIFORMED SERVICES.—  
18 Personnel of the uniformed services who are detailed or  
19 assigned to duty in the performance of agreements made  
20 by the Secretary for the support of the Job Corps shall  
21 not be counted in computing strength under any law lim-  
22 iting the strength of such services or in computing the  
23 percentage authorized by law for any grade in such serv-  
24 ices.

1 **SEC. 258. SPECIAL PROVISIONS.**

2 (a) **ENROLLMENT.**—The Secretary shall ensure that  
3 women and men have an equal opportunity to participate  
4 in the Job Corps program, consistent with section 245.

5 (b) **STUDIES, EVALUATIONS, PROPOSALS, AND**  
6 **DATA.**—The Secretary shall assure that all studies, eval-  
7 uations, proposals, and data produced or developed with  
8 Federal funds in the course of carrying out the Job Corps  
9 program shall become the property of the United States.

10 (c) **TRANSFER OF PROPERTY.**—

11 (1) **IN GENERAL.**—Notwithstanding chapter 5  
12 of title 40, United States Code, and any other provi-  
13 sion of law, the Secretary and the Secretary of Edu-  
14 cation shall receive priority by the Secretary of De-  
15 fense for the direct transfer, on a nonreimbursable  
16 basis, of the property described in paragraph (2) for  
17 use in carrying out programs under this Act or  
18 under any other Act.

19 (2) **PROPERTY.**—The property described in this  
20 paragraph is real and personal property under the  
21 control of the Department of Defense that is not  
22 used by such Department, including property that  
23 the Secretary of Defense determines is in excess of  
24 current and projected requirements of such Depart-  
25 ment.

1       (d) GROSS RECEIPTS.—Transactions conducted by a  
2 private for-profit or nonprofit entity that is an operator  
3 or service provider for a Job Corps center shall not be  
4 considered to be generating gross receipts. Such an oper-  
5 ator or service provider shall not be liable, directly or indi-  
6 rectly, to any State or subdivision of a State (nor to any  
7 person acting on behalf of such a State or subdivision)  
8 for any gross receipts taxes, business privilege taxes meas-  
9 ured by gross receipts, or any similar taxes imposed on,  
10 or measured by, gross receipts in connection with any pay-  
11 ments made to or by such entity for operating or providing  
12 services to a Job Corps center. Such an operator or service  
13 provider shall not be liable to any State or subdivision of  
14 a State to collect or pay any sales, excise, use, or similar  
15 tax imposed on the sale to or use by such operator or serv-  
16 ice provider of any property, service, or other item in con-  
17 nection with the operation of or provision of services to  
18 a Job Corps center.

19       (e) MANAGEMENT FEE.—The Secretary shall provide  
20 each operator and (in an appropriate case, as determined  
21 by the Secretary) service provider with an equitable and  
22 negotiated management fee of not less than 1 percent of  
23 the amount of the funding provided under the appropriate  
24 agreement specified in section 247.

1       (f) **DONATIONS.**—The Secretary may accept on be-  
 2 half of the Job Corps or individual Job Corps centers  
 3 charitable donations of cash or other assistance, including  
 4 equipment and materials, if such donations are available  
 5 for appropriate use for the purposes set forth in this sub-  
 6 title.

7       (g) **SALE OF PROPERTY.**—Notwithstanding any other  
 8 provision of law, if the Administrator of General Services  
 9 sells a Job Corps center facility, the Administrator shall  
 10 transfer the proceeds from the sale to the Secretary, who  
 11 shall use the proceeds to carry out the Job Corps program.

12 **SEC. 259. MANAGEMENT INFORMATION.**

13       (a) **FINANCIAL MANAGEMENT INFORMATION SYS-**  
 14 **TEM.**—

15               (1) **IN GENERAL.**—The Secretary shall establish  
 16 procedures to ensure that each operator, and each  
 17 service provider, maintains a financial management  
 18 information system that will provide—

19                       (A) accurate, complete, and current disclo-  
 20 sures of the costs of Job Corps operations; and

21                       (B) sufficient data for the effective evalua-  
 22 tion of activities carried out through the Job  
 23 Corps program.

24       (2) **ACCOUNTS.**—Each operator and service  
 25 provider shall maintain funds received under this

1 subtitle in accounts in a manner that ensures timely  
 2 and accurate reporting as required by the Secretary.

3 ~~(3) FISCAL RESPONSIBILITY.—~~Operators shall  
 4 remain fiscally responsible and control costs, regard-  
 5 less of whether the funds made available for Job  
 6 Corps centers are incrementally increased or de-  
 7 creased between fiscal years.

8 ~~(b) AUDIT.—~~

9 ~~(1) ACCESS.—~~The Secretary, the Inspector  
 10 General of the Department of Labor, the Comp-  
 11 troller General of the United States, and any of  
 12 their duly authorized representatives, shall have ac-  
 13 cess to any books, documents, papers, and records of  
 14 the operators and service providers described in sub-  
 15 section (a) that are pertinent to the Job Corps pro-  
 16 gram, for purposes of conducting surveys, audits,  
 17 and evaluations of the operators and service pro-  
 18 viders.

19 ~~(2) SURVEYS, AUDITS, AND EVALUATIONS.—~~  
 20 The Secretary shall survey, audit, or evaluate, or ar-  
 21 range for the survey, audit, or evaluation of, the op-  
 22 erators and service providers, using Federal auditors  
 23 or independent public accountants. The Secretary  
 24 shall conduct such surveys, audits, or evaluations  
 25 not less often than once every 3 years.

1       ~~(c) INFORMATION ON INDICATORS OF PERFORM-~~  
 2 ~~ANCE.—~~

3           ~~(1) LEVELS OF PERFORMANCE AND INDICA-~~  
 4 ~~TORS.—The Secretary shall annually establish ex-~~  
 5 ~~pected levels of performance for Job Corps centers~~  
 6 ~~and the Job Corps program relating to each of the~~  
 7 ~~primary indicators of performance for eligible youth~~  
 8 ~~activities described in section 131(b)(2)(A)(ii).~~

9           ~~(2) PERFORMANCE OF RECRUITERS.—The Sec-~~  
 10 ~~retary shall also establish performance indicators,~~  
 11 ~~and expected performance levels on the performance~~  
 12 ~~indicators, for recruitment service providers serving~~  
 13 ~~the Job Corps program. The performance indicators~~  
 14 ~~shall relate to the number of enrollees recruited,~~  
 15 ~~compared to the established goals for such recruit-~~  
 16 ~~ment, and the number of enrollees who remain com-~~  
 17 ~~mitted to the program for 90 days after enrollment.~~

18           ~~(3) REPORT.—The Secretary shall collect, and~~  
 19 ~~annually submit to the Committee on Health, Edu-~~  
 20 ~~cation, Labor, and Pensions of the Senate and the~~  
 21 ~~Committee on Education and the Workforce of the~~  
 22 ~~House of Representatives, a report containing—~~

23           ~~(A) information on the performance of~~  
 24 ~~each Job Corps center, and the Job Corps pro-~~  
 25 ~~gram, on the performance indicators described~~

1 in paragraph (1), as compared to the expected  
2 level of performance established under such  
3 paragraph for each performance accountability  
4 measure; and

5 (B) information on the performance of the  
6 service providers described in paragraph (2) on  
7 the performance indicators established under  
8 such paragraph, as compared to the expected  
9 performance levels for the performance indica-  
10 tors.

11 (d) ADDITIONAL INFORMATION.—

12 (1) IN GENERAL.—The Secretary shall also col-  
13 lect, and submit in the report described in sub-  
14 section (c), information on the performance of each  
15 Job Corps center, and the Job Corps program, re-  
16 garding—

17 (A) the number of enrollees served;

18 (B) demographic information on the enroll-  
19 ees served, including age, race, gender, and  
20 education and income level;

21 (C) the number of graduates who entered  
22 the Armed Forces;

23 (D) the number of graduates who entered  
24 apprenticeship programs;



1           (E) the number of graduates who entered  
 2           unsubsidized employment related to the career  
 3           and technical education and training received  
 4           through the Job Corps program and the num-  
 5           ber who entered unsubsidized employment not  
 6           related to the education and training received;

7           (F) the number and percentage of former  
 8           enrollees, including the number dismissed under  
 9           the zero tolerance policy described in section  
 10          252(b); and

11          (G) any additional information required by  
 12          the Secretary.

13          (2) RULES FOR REPORTING OF DATA.—The  
 14          disaggregation of data under this subsection shall  
 15          not be required when the number of individuals in  
 16          a category is insufficient to yield statistically reliable  
 17          information or when the results would reveal person-  
 18          ally identifiable information about an individual.

19          (e) METHODS.—The Secretary shall collect the infor-  
 20          mation described in subsections (c) and (d), using methods  
 21          described in section 131(i)(2) and consistent with State  
 22          law, by entering into agreements with the States to access  
 23          such data for Job Corps enrollees, former enrollees, and  
 24          graduates.

1       (f) PERFORMANCE ASSESSMENTS AND IMPROVE-  
2 MENTS.—

3           (1) ASSESSMENTS.—The Secretary shall con-  
4 duct an annual assessment of the performance of  
5 each Job Corps center. Based on the assessment, the  
6 Secretary shall take measures to continuously im-  
7 prove the performance of the Job Corps program.

8           (2) PERFORMANCE IMPROVEMENT.—With re-  
9 spect to a Job Corps center that fails to meet the  
10 expected levels of performance relating to the pri-  
11 mary indicators of performance specified in sub-  
12 section (c)(1), the Secretary shall develop and imple-  
13 ment a performance improvement plan. Such a plan  
14 shall require action to be taken during a one-year  
15 period, including—

16           (A) providing technical assistance to the  
17 center;

18           (B) changing the career and technical edu-  
19 cation and training offered at the center;

20           (C) changing the management staff of the  
21 center;

22           (D) replacing the operator of the center;

23           (E) reducing the capacity of the center;

24           (F) relocating the center; or

25           (G) closing the center.

1           (3) ~~ADDITIONAL PERFORMANCE IMPROVE-~~  
2           ~~MENT.~~—In addition to the performance improvement  
3           plans required under paragraph (2), the Secretary  
4           may develop and implement additional performance  
5           improvement plans. Such a plan shall require im-  
6           provements, including the actions described in such  
7           paragraph, for a Job Corps center that fails to meet  
8           criteria established by the Secretary other than the  
9           expected levels of performance described in such  
10          paragraph.

11          (4) ~~CIVILIAN CONSERVATION CENTERS.~~—With  
12          respect to a Civilian Conservation Center that fails  
13          to meet the expected levels of performance relating  
14          to the primary indicators of performance specified in  
15          subsection (c)(1), or fails to improve performance as  
16          described in paragraph (2), the Secretary, in con-  
17          sultation with the Secretary of Agriculture, may se-  
18          lect an entity to operate a Civilian Conservation  
19          Center on a competitive basis, in accordance with  
20          the requirements of section 247(a)(2)(B).

21          (g) ~~PARTICIPANT HEALTH AND SAFETY.~~—The Sec-  
22          retary shall require that an entity that has entered into  
23          a contract with a Job Corps operator to provide work-  
24          based learning activities for any Job Corps enrollee under  
25          this subtitle shall comply with the Occupational Safety

1 and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as  
 2 appropriate, under the corresponding State Occupational  
 3 Safety and Health Act of 1970 requirements in the State  
 4 in which such activities occur.

5 (h) BUILDINGS AND FACILITIES.—The Secretary  
 6 shall collect, and submit in the report described in sub-  
 7 section (c), information regarding the state of Job Corps  
 8 buildings and facilities. Such report shall include—

9 (1) a review of requested construction, rehabili-  
 10 tation, and acquisition projects, by each Job Corps  
 11 center; and

12 (2) a review of new facilities under construc-  
 13 tion.

14 (i) NATIONAL AND COMMUNITY SERVICE.—The Sec-  
 15 retary shall include in the report described in subsection  
 16 (c) available information regarding the national and com-  
 17 munity service activities of enrollees, particularly those en-  
 18 rollees at Civilian Conservation Centers.

19 (j) CLOSURE OF JOB CORPS CENTER.—Prior to the  
 20 closure of any Job Corps center, the Secretary shall en-  
 21 sure—

22 (1) that the proposed decision to close the cen-  
 23 ter is announced in advance to the general public  
 24 through publication in the Federal Register or other  
 25 appropriate means;

1           (2) the establishment of a reasonable comment  
 2           period, not to exceed 30 days, for interested individ-  
 3           uals to submit written comments to the Secretary;  
 4           and

5           (3) that the Member of Congress who rep-  
 6           resents the district in which such center is located  
 7           is notified within a reasonable period of time in ad-  
 8           vance of any final decision to close the center.

9   **SEC. 260. GENERAL PROVISIONS.**

10          The Secretary is authorized to—

11           (1) disseminate, with regard to the provisions of  
 12           section 3204 of title 39, United States Code, data  
 13           and information in such forms as the Secretary shall  
 14           determine to be appropriate, to public agencies, pri-  
 15           vate organizations, and the general public;

16           (2) subject to section 257(b), collect or com-  
 17           promise all obligations to or held by the Secretary  
 18           and exercise all legal or equitable rights accruing to  
 19           the Secretary in connection with the payment of ob-  
 20           ligations until such time as such obligations may be  
 21           referred to the Attorney General for suit or collec-  
 22           tion; and

23           (3) expend funds made available for purposes of  
 24           this subtitle—

1           (A) for printing and binding, in accordance  
2           with applicable law (including regulation); and

3           (B) without regard to any other law (in-  
4           cluding regulation), for rent of buildings and  
5           space in buildings and for repair, alteration,  
6           and improvement of buildings and space in  
7           buildings rented by the Secretary, except that  
8           the Secretary shall not expend funds under the  
9           authority of this subparagraph—

10           (i) except when necessary to obtain an  
11           item, service, or facility, that is required in  
12           the proper administration of this subtitle,  
13           and that otherwise could not be obtained,  
14           or could not be obtained in the quantity or  
15           quality needed, or at the time, in the form,  
16           or under the conditions in which the item,  
17           service, or facility is needed; and

18           (ii) prior to having given written noti-  
19           fication to the Administrator of General  
20           Services (if the expenditure would affect an  
21           activity that otherwise would be under the  
22           jurisdiction of the General Services Admin-  
23           istration) of the intention of the Secretary  
24           to make the expenditure, and the reasons  
25           and justifications for the expenditure.

1 **SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this subtitle such sums as may be necessary for each of  
4 the fiscal years 2014 through 2018.

5       **Subtitle D—National Programs**

6 **SEC. 266. NATIVE AMERICAN PROGRAMS.**

7       ~~(a)~~ PURPOSE.—

8           ~~(1)~~ IN GENERAL.—The purpose of this section  
9 is to support employment and training activities for  
10 Indian, Alaska Native, and Native Hawaiian individ-  
11 uals in order—

12           ~~(A)~~ to develop more fully the academic, oc-  
13 cupational, and literacy skills of such individ-  
14 uals;

15           ~~(B)~~ to make such individuals more com-  
16 petitive in the workforce and to equip them  
17 with the entrepreneurial skills necessary for  
18 successful self-employment; and

19           ~~(C)~~ to promote the economic and social de-  
20 velopment of Indian, Alaska Native, and Native  
21 Hawaiian communities in accordance with the  
22 goals and values of such communities.

23       ~~(2)~~ INDIAN POLICY.—All programs assisted  
24 under this section shall be administered in a manner  
25 consistent with the principles of the Indian Self-De-  
26 termination and Education Assistance Act ~~(25~~

1 U.S.C. 450 et seq.) and the government-to-govern-  
 2 ment relationship between the Federal Government  
 3 and Indian tribal governments.

4 (b) DEFINITIONS.—As used in this section:

5 (1) ALASKA NATIVE.—The term “Alaska Na-  
 6 tive” means a Native as such term is defined in sec-  
 7 tion 3(b) of the Alaska Native Claims Settlement  
 8 Act (43 U.S.C. 1602(b)).

9 (2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-  
 10 NIZATION.—The terms “Indian”, “Indian tribe”,  
 11 and “tribal organization” have the meanings given  
 12 such terms in subsections (d), (e), and (f), respec-  
 13 tively, of section 4 of the Indian Self-Determination  
 14 and Education Assistance Act (25 U.S.C. 450b).

15 (3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN  
 16 ORGANIZATION.—The terms “Native Hawaiian” and  
 17 “Native Hawaiian organization” have the meanings  
 18 given such terms in section 7207 of the Native Ha-  
 19 waiian Education Act (20 U.S.C. 7517).

20 (c) PROGRAM AUTHORIZED.—Every 4 years, the Sec-  
 21 retary shall, on a competitive basis, make grants to, or  
 22 enter into contracts or cooperative agreements with, In-  
 23 dian tribes, tribal organizations, Alaska Native entities,  
 24 Indian-controlled organizations serving Indians, or Native



1 Hawaiian organizations to carry out the authorized activi-  
 2 ties described in subsection (d).

3 ~~(d) AUTHORIZED ACTIVITIES.—~~

4 ~~(1) IN GENERAL.—Funds made available under~~  
 5 ~~subsection (e) shall be used to carry out the activi-~~  
 6 ~~ties described in paragraph (2) that—~~

7 ~~(A) are consistent with this section; and~~

8 ~~(B) are necessary to meet the needs of In-~~  
 9 ~~dians, Alaska Natives, or Native Hawaiians~~  
 10 ~~preparing to enter, reenter, or retain employ-~~  
 11 ~~ment leading to self-sufficiency.~~

12 ~~(2) WORKFORCE INVESTMENT ACTIVITIES AND~~  
 13 ~~SUPPLEMENTAL SERVICES.—~~

14 ~~(A) IN GENERAL.—Funds made available~~  
 15 ~~under subsection (e) shall be used for—~~

16 ~~(i) comprehensive workforce develop-~~  
 17 ~~ment activities for Indians, Alaska Natives,~~  
 18 ~~or Native Hawaiians, including training on~~  
 19 ~~entrepreneurial skills; or~~

20 ~~(ii) supplemental services for Indian,~~  
 21 ~~Alaska Native, or Native Hawaiian youth~~  
 22 ~~on or near Indian reservations and in~~  
 23 ~~Oklahoma, Alaska, or Hawaii.~~

24 ~~(B) SPECIAL RULE.—Notwithstanding any~~  
 25 ~~other provision of this section, individuals who~~

1           were eligible to participate in programs under  
2           section 401 of the Job Training Partnership  
3           Act (as such section was in effect on the day  
4           before the date of enactment of the Workforce  
5           Investment Act of 1998) shall be eligible to par-  
6           ticipate in an activity assisted under this sec-  
7           tion.

8           (c) PROGRAM PLAN.—In order to receive a grant or  
9           enter into a contract or cooperative agreement under this  
10          section, an entity described in subsection (c) shall submit  
11          to the Secretary a program plan that describes a 4-year  
12          strategy for meeting the needs of Indian, Alaska Native,  
13          or Native Hawaiian individuals, as appropriate, in the  
14          area served by such entity. Such plan shall—

15               (1) be consistent with the purpose of this sec-  
16          tion;

17               (2) identify the population to be served;

18               (3) identify the education and employment  
19          needs of the population to be served and the manner  
20          in which the activities to be provided will strengthen  
21          the ability of the individuals served to obtain or re-  
22          tain employment leading to self-sufficiency;

23               (4) describe the activities to be provided and  
24          the manner in which such activities are to be inte-  
25          grated with other appropriate activities; and

1           ~~(5)~~ describe, after the entity submitting the  
 2           plan consults with the Secretary, the performance  
 3           accountability measures to be used to assess the per-  
 4           formance of entities in carrying out the activities as-  
 5           sisted under this section, which shall include the pri-  
 6           mary indicators of performance described in section  
 7           ~~131(b)(2)(A)~~ and expected levels of performance for  
 8           such indicators, in accordance with subsection (h).

9           ~~(f) CONSOLIDATION OF FUNDS.—~~Each entity receiv-  
 10          ing assistance under subsection (e) may consolidate such  
 11          assistance with assistance received from related programs  
 12          in accordance with the provisions of the Indian Employ-  
 13          ment, Training and Related Services Demonstration Act  
 14          of 1992 (25 U.S.C. 3401 et seq.).

15          ~~(g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-~~  
 16          ~~ICES.—~~Nothing in this section shall be construed—

17                 ~~(1)~~ to limit the eligibility of any entity de-  
 18                 scribed in subsection (e) to participate in any activ-  
 19                 ity offered by a State or local entity under this Act;  
 20                 or

21                 ~~(2)~~ to preclude or discourage any agreement,  
 22                 between any entity described in subsection (e) and  
 23                 any State or local entity, to facilitate the provision  
 24                 of services by such entity or to the population served  
 25                 by such entity.

1       (h) PERFORMANCE ACCOUNTABILITY MEASURES.—

2           (1) ADDITIONAL PERFORMANCE INDICATORS  
3       AND STANDARDS.—

4           (A) DEVELOPMENT OF INDICATORS AND  
5       STANDARDS.—The Secretary, in consultation  
6       with the Native American Employment and  
7       Training Council, shall develop a set of per-  
8       formance indicators and standards that is in  
9       addition to the primary indicators of perform-  
10      ance described in section 131(b)(2)(A) and that  
11      shall be applicable to programs under this sec-  
12      tion.

13          (B) SPECIAL CONSIDERATIONS.—Such per-  
14      formance indicators and standards shall take  
15      into account—

16           (i) the purpose of this section as de-  
17      scribed in subsection (a)(1);

18           (ii) the needs of the groups served by  
19      this section, including the differences in  
20      needs among such groups in various geo-  
21      graphic service areas; and

22           (iii) the economic circumstances of the  
23      communities served, including differences  
24      in circumstances among various geographic  
25      service areas.

1           (2) AGREEMENT ON ADJUSTED LEVELS OF  
 2     PERFORMANCE.—The Secretary and the entity de-  
 3     scribed in subsection (c) shall reach agreement on  
 4     the levels of performance for each of the primary in-  
 5     dicators of performance described in section  
 6     131(b)(2)(A); taking into account economic condi-  
 7     tions; characteristics of the individuals served; and  
 8     other appropriate factors and using, to the extent  
 9     practicable, the statistical adjustment model under  
 10    section 131(b)(3)(A)(viii). The levels agreed to shall  
 11    be the adjusted levels of performance and shall be  
 12    incorporated in the program plan.

13    (i) ADMINISTRATIVE PROVISIONS.—

14           (1) ORGANIZATIONAL UNIT ESTABLISHED.—  
 15    The Secretary shall designate a single organizational  
 16    unit within the Department of Labor that shall have  
 17    primary responsibility for the administration of the  
 18    activities authorized under this section.

19           (2) REGULATIONS.—The Secretary shall con-  
 20    sult with the entities described in subsection (c) in—

21           (A) establishing regulations to carry out  
 22    this section; including regulations relating to  
 23    the performance accountability measures for en-  
 24    tities receiving assistance under this section;  
 25    and

1           (~~B~~) developing a funding distribution plan  
2           that takes into consideration previous levels of  
3           funding (~~prior to the date of enactment of this~~  
4           ~~Act~~) to such entities.

5           (~~3~~) ~~W~~AIVERS.—

6           (~~A~~) ~~I~~N ~~G~~ENERAL.—With respect to an en-  
7           tity described in subsection (~~c~~), the Secretary,  
8           notwithstanding any other provision of law,  
9           may, pursuant to a request submitted by such  
10          entity that meets the requirements established  
11          under subparagraph (~~B~~), waive any of the stat-  
12          utory or regulatory requirements of this title or  
13          title I that are inconsistent with the specific  
14          needs of the entities described in such sub-  
15          section, except that the Secretary may not  
16          waive requirements relating to wage and labor  
17          standards, worker rights, participation and pro-  
18          tection of workers and participants, grievance  
19          procedures, and judicial review.

20          (~~B~~) ~~R~~EQUEST AND ~~A~~PPROVAL.—An entity  
21          described in subsection (~~c~~) that requests a waiv-  
22          er under subparagraph (~~A~~) shall submit a plan  
23          to the Secretary to improve the program of  
24          workforce investment activities carried out by  
25          the entity, which plan shall meet the require-

ments established by the Secretary and shall be generally consistent with the requirements of section 289(i)(2).

~~(4) ADVISORY COUNCIL.—~~

~~(A) IN GENERAL.—~~Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) and to provide the advice described in subparagraph (C).

~~(B) COMPOSITION.—~~The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

~~(C) DUTIES.—~~The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).

~~(D) PERSONNEL MATTERS.—~~

~~(i) COMPENSATION OF MEMBERS.—~~  
Members of the Council shall serve without compensation.

1                   (ii) TRAVEL EXPENSES.—The mem-  
 2                   bers of the Council shall be allowed travel  
 3                   expenses, including per diem in lieu of sub-  
 4                   sistence, at rates authorized for employees  
 5                   of agencies under subchapter I of chapter  
 6                   57 of title 5, United States Code, while  
 7                   away from their homes or regular places of  
 8                   business in the performance of services for  
 9                   the Council.

10                   (iii) ADMINISTRATIVE SUPPORT.—The  
 11                   Secretary shall provide the Council with  
 12                   such administrative support as may be nec-  
 13                   essary to perform the functions of the  
 14                   Council.

15                   (E) CHAIRPERSON.—The Council shall se-  
 16                   lect a chairperson from among its members.

17                   (F) MEETINGS.—The Council shall meet  
 18                   not less than twice each year.

19                   (G) APPLICATION.—Section 14 of the Fed-  
 20                   eral Advisory Committee Act (5 U.S.C. App.)  
 21                   shall not apply to the Council.

22                   (5) TECHNICAL ASSISTANCE.—The Secretary,  
 23                   acting through the unit established under paragraph  
 24                   (1), is authorized to provide technical assistance to  
 25                   entities described in subsection (c) that receive as-



1       sistance under such subsection to enable such enti-  
 2       ties to improve the activities authorized under this  
 3       section that are provided by such entities.

4           (6) AGREEMENT FOR CERTAIN FEDERALLY  
 5       RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS  
 6       TO THE PROGRAM.—A federally recognized Indian  
 7       tribe that administers funds provided under this sec-  
 8       tion and funds provided by more than one State  
 9       under other sections of this title may enter into an  
 10      agreement with the Secretary and the Governors of  
 11      the affected States to transfer the funds provided by  
 12      the States to the program administered by the tribe  
 13      under this section.

14       (j) COMPLIANCE WITH SINGLE AUDIT REQUIRE-  
 15      MENTS; RELATED REQUIREMENT.—Grants, contracts,  
 16      and cooperative agreements entered into under this section  
 17      shall be subject to the requirements of chapter 75 of sub-  
 18      title V of title 31, United States Code, and charging of  
 19      costs under this section shall be subject to appropriate cir-  
 20      culars issued by the Office of Management and Budget.

21       (k) ASSISTANCE TO UNIQUE POPULATIONS IN ALAS-  
 22      KA AND HAWAII.—

23           (1) IN GENERAL.—Notwithstanding any other  
 24      provision of law, the Secretary is authorized to pro-  
 25      vide assistance to the Cook Inlet Tribal Council, In-

1       incorporated, and the University of Hawaii at Maui,  
 2       for the unique populations who reside in Alaska or  
 3       Hawaii, respectively, to improve job training and  
 4       workforce investment activities.

5           (2) AUTHORIZATION OF APPROPRIATIONS.—

6       There are authorized to be appropriated to carry out  
 7       this subsection such sums as may be necessary for  
 8       each of fiscal years 2014 through 2018.

9   **SEC. 267. MIGRANT AND SEASONAL FARMWORKER PRO-**  
 10       **GRAMS.**

11       (a) IN GENERAL.—Every 4 years, the Secretary  
 12       shall, on a competitive basis, make grants to, or enter into  
 13       contracts with, eligible entities to carry out the activities  
 14       described in subsection (d).

15       (b) ELIGIBLE ENTITIES.—To be eligible to receive a  
 16       grant or enter into a contract under this section, an entity  
 17       shall have an understanding of the problems of eligible mi-  
 18       grant and seasonal farmworkers (including dependents),  
 19       a familiarity with the area to be served, and the ability  
 20       to demonstrate a capacity to administer and deliver effec-  
 21       tively a diversified program of workforce investment activi-  
 22       ties (including youth workforce investment activities) and  
 23       related assistance for eligible migrant and seasonal farm-  
 24       workers.

25       (c) PROGRAM PLAN.—

1           (1) ~~IN GENERAL.~~—To be eligible to receive a  
2           grant or enter into a contract under this section, an  
3           entity described in subsection (b) shall submit to the  
4           Secretary a plan that describes a 4-year strategy for  
5           meeting the needs of eligible migrant and seasonal  
6           farmworkers in the area to be served by such entity.

7           (2) ~~CONTENTS.~~—Such plan shall—

8                   (A) describe the population to be served  
9                   and identify the education and employment  
10                  needs of the population to be served and the  
11                  manner in which the services to be provided will  
12                  strengthen the ability of the eligible migrant  
13                  and seasonal farmworkers and dependents to  
14                  obtain or retain unsubsidized employment, or  
15                  stabilize their unsubsidized employment, includ-  
16                  ing upgraded employment in agriculture;

17                  (B) describe the related assistance and  
18                  supportive services to be provided and the man-  
19                  ner in which such assistance and services are to  
20                  be integrated and coordinated with other appro-  
21                  priate services;

22                  (C) describe the performance account-  
23                  ability measures to be used to assess the per-  
24                  formance of such entity in carrying out the ac-  
25                  tivities assisted under this section, which shall

1 include the expected levels of performance for  
 2 the primary indicators of performance described  
 3 in section 131(b)(2)(A);

4 (D) describe the availability and accessi-  
 5 bility of local resources such as supportive serv-  
 6 ices, services provided through one-stop delivery  
 7 systems, and education and training services;  
 8 and how the resources can be made available to  
 9 the population to be served; and

10 (E) describe the plan for providing services  
 11 under this section, including strategies and sys-  
 12 tems for outreach, career planning, assessment,  
 13 and delivery through one-stop delivery systems.

14 (3) AGREEMENT ON ADJUSTED LEVELS OF  
 15 PERFORMANCE.—The Secretary and the entity de-  
 16 scribed in subsection (b) shall reach agreement on  
 17 the levels of performance for each of the primary in-  
 18 dicators of performance described in section  
 19 131(b)(2)(A), taking into account economic condi-  
 20 tions, characteristics of the individuals served, and  
 21 other appropriate factors, and using, to the extent  
 22 practicable the statistical adjustment model under  
 23 section 131(b)(3)(A)(viii). The levels agreed to shall  
 24 be the adjusted levels of performance and shall be  
 25 incorporated in the program plan.

1           (4) ADMINISTRATION.—Grants and contracts  
2           awarded under this section shall be centrally admin-  
3           istered by the Department of Labor and competi-  
4           tively awarded by the Secretary using procedures  
5           consistent with standard Federal Government com-  
6           petitive procurement policies.

7           (d) AUTHORIZED ACTIVITIES.—Funds made avail-  
8           able under this section and section 227 shall be used to  
9           carry out workforce investment activities (including youth  
10          workforce investment activities) and provide related assist-  
11          ance for eligible migrant and seasonal farmworkers, which  
12          may include—

13           (1) outreach, employment, training, educational  
14           assistance, literacy assistance, English language and  
15           literacy instruction, pesticide and worker safety  
16           training, housing (including permanent housing),  
17           supportive services, and school dropout prevention  
18           activities;

19           (2) followup services for those individuals  
20           placed in employment;

21           (3) self-employment and related business or  
22           micro-enterprise development or education as needed  
23           by eligible individuals as identified pursuant to the  
24           plan required by subsection (e);

1           (4) customized career and technical education  
 2           in occupations that will lead to higher wages, en-  
 3           hanced benefits, and long-term employment in agri-  
 4           culture or another area; and

5           (5) technical assistance to improve coordination  
 6           of services and implement best practices relating to  
 7           service delivery through one-stop delivery systems.

8           (e) CONSULTATION WITH GOVERNORS AND LOCAL  
 9           BOARDS.—In making grants and entering into contracts  
 10          under this section, the Secretary shall consult with the  
 11          Governors and local boards of the States in which the eli-  
 12          gible entities will carry out the activities described in sub-  
 13          section (d).

14          (f) REGULATIONS.—The Secretary shall consult with  
 15          eligible migrant and seasonal farmworkers groups and  
 16          States in establishing regulations to carry out this section;  
 17          including regulations relating to how economic and demo-  
 18          graphic barriers to employment of eligible migrant and  
 19          seasonal farmworkers should be considered and included  
 20          in the negotiations leading to the adjusted levels of per-  
 21          formance described in subsection (e).

22          (g) COMPLIANCE WITH SINGLE AUDIT REQUIRE-  
 23          MENTS; RELATED REQUIREMENT.—Grants and contracts  
 24          entered into under this section shall be subject to the re-  
 25          quirements of chapter 75 of subtitle V of title 31, United

1 States Code and charging of costs under this section shall  
 2 be subject to appropriate circulars issued by the Office of  
 3 Management and Budget.

4 (h) FUNDING ALLOCATION.—From the funds appro-  
 5 priated and made available to carry out this section, the  
 6 Secretary shall reserve not more than 1 percent for discre-  
 7 tionary purposes, such as providing technical assistance  
 8 to eligible entities.

9 (i) DEFINITIONS.—In this section:

10 (1) DEPENDENT.—The term “dependent”, used  
 11 with respect to an eligible migrant or seasonal farm-  
 12 worker, means an individual who—

13 (A) was claimed as a dependent on the  
 14 farmworker’s Federal income tax return for the  
 15 previous year;

16 (B) is the spouse of the farmworker; or

17 (C) is able to establish—

18 (i) a relationship as the farm-  
 19 worker’s—

20 (I) biological or legally adopted  
 21 child, grandchild, or great-grandchild;

22 (II) foster child;

23 (III) stepchild;

24 (IV) brother, sister, half-brother,  
 25 half-sister, stepbrother, or stepsister;

1                   (V) parent, grandparent, or other  
 2                   direct ancestor (but not foster par-  
 3                   ent);

4                   (VI) stepfather or stepmother;

5                   (VII) uncle or aunt;

6                   (VIII) niece or nephew; or

7                   (IX) father-in-law, mother-in-law,  
 8                   son-in-law, daughter-in-law, brother-  
 9                   in-law, or sister-in-law; and

10                  (ii) the receipt of over half of the indi-  
 11                  vidual's total support from the farm-  
 12                  worker's family during the eligibility deter-  
 13                  mination period described in paragraph  
 14                  (4)(A) for the farmworker.

15                  ~~(2) ELIGIBLE MIGRANT AND SEASONAL FARM-~~  
 16                  ~~WORKERS.—~~The term “eligible migrant and seasonal  
 17                  farmworkers” means individuals who are eligible mi-  
 18                  grant farmworkers or are eligible seasonal farm-  
 19                  workers.

20                  ~~(3) ELIGIBLE MIGRANT FARMWORKER.—~~The  
 21                  term “eligible migrant farmworker” means—

22                         (A) an eligible seasonal farmworker de-  
 23                         scribed in paragraph (4)(A) whose agricultural  
 24                         labor requires travel to a job site such that the



1 farmworker is unable to return to a permanent  
2 place of residence within the same day; and

3 (B) a dependent of the farmworker de-  
4 scribed in subparagraph (A).

5 (4) ELIGIBLE SEASONAL FARMWORKER.—The  
6 term “eligible seasonal farmworker” means—

7 (A) a low-income individual who—

8 (i) for 12 consecutive months out of  
9 the 24 months prior to application for the  
10 program involved, has been primarily em-  
11 ployed in agricultural or fish farming labor  
12 that is characterized by chronic unemploy-  
13 ment or underemployment; and

14 (ii) faces multiple barriers to economic  
15 self-sufficiency; and

16 (B) a dependent of the person described in  
17 subparagraph (A).

18 **SEC. 268. VETERANS’ WORKFORCE INVESTMENT PRO-**  
19 **GRAMS.**

20 (a) AUTHORIZATION.—

21 (1) IN GENERAL.—The Secretary shall conduct,  
22 directly or through grants or contracts, programs to  
23 meet the needs for workforce investment activities of  
24 veterans with service-connected disabilities; veterans  
25 who have significant barriers to employment; vet-

1       erans who served on active duty in the armed forces  
2       during a war or in a campaign or expedition for  
3       which a campaign badge has been authorized, and  
4       recently separated veterans.

5           (2) CONDUCT OF PROGRAMS.—Programs sup-  
6       ported under this section may be conducted through  
7       grants and contracts with public agencies and pri-  
8       vate nonprofit organizations, including recipients of  
9       Federal assistance under other provisions of this  
10      title, that the Secretary determines have an under-  
11      standing of the unemployment problems of veterans  
12      described in paragraph (1), familiarity with the area  
13      to be served, and the capability to administer effec-  
14      tively a program of workforce investment activities  
15      for such veterans.

16          (3) REQUIRED ACTIVITIES.—Programs sup-  
17      ported under this section shall include—

18           (A) activities to enhance services provided  
19           to veterans by other providers of workforce in-  
20           vestment activities funded by Federal, State, or  
21           local government, including services provided by  
22           one-stop operators and one-stop partners;

23           (B) activities to provide workforce invest-  
24           ment activities to such veterans that are not

1 adequately provided by other public providers of  
2 workforce investment activities; and

3 ~~(C)~~ outreach and public information activi-  
4 ties to develop and promote maximum job and  
5 job training opportunities for such veterans and  
6 to inform such veterans about employment, job  
7 training, on-the-job training, and educational  
8 opportunities under this title, under title 38,  
9 United States Code, and under other provisions  
10 of law, which activities shall be coordinated with  
11 activities provided through the one-stop centers  
12 described in section 221(c).

13 ~~(b)~~ ADMINISTRATION OF PROGRAMS.—

14 ~~(1)~~ IN GENERAL.—The Secretary shall admin-  
15 ister programs supported under this section through  
16 the Assistant Secretary for Veterans' Employment  
17 and Training.

18 ~~(2)~~ ADDITIONAL RESPONSIBILITIES.—In ear-  
19 rying out responsibilities under this section, the As-  
20 sistant Secretary for Veterans' Employment and  
21 Training shall—

22 ~~(A)~~ be responsible for the awarding of  
23 grants and contracts and the distribution of  
24 funds under this section and for the establish-  
25 ment of appropriate fiscal controls, account-

1 ability, and program performance accountability  
2 measures for recipients of grants and contracts  
3 under this section; and

4 (B) consult with the Secretary of Veterans  
5 Affairs and take steps to ensure that programs  
6 supported under this section are coordinated, to  
7 the maximum extent feasible, with related pro-  
8 grams and activities conducted under title 38,  
9 United States Code, including programs and ac-  
10 tivities conducted under chapter 63 of such  
11 title, any of chapters 30 through 34 of such  
12 title, and sections 1712A, 1720A, 3687, and  
13 4103A of such title.

14 (3) PERFORMANCE ACCOUNTABILITY MEAS-  
15 URES.—In carrying out the responsibilities relating  
16 to performance accountability measures described in  
17 paragraph (2)(A), the Assistant Secretary for Vet-  
18 erans' Employment and Training shall, for each  
19 grant or contract under this section providing edu-  
20 cation, training, or employment services to veterans,  
21 include among such measures the primary indicators  
22 of performance described in section 131(b)(2)(A)(i)  
23 and adjusted levels of performance for each such in-  
24 dicator that are agreed to by the Assistant Secretary  
25 and the recipient of the grant or contract.

1 **SEC. 269. TECHNICAL ASSISTANCE.**

2 ~~(a) GENERAL TECHNICAL ASSISTANCE.—~~

3 ~~(1) IN GENERAL.—~~The Secretary shall provide,  
4 coordinate, and support the development of, appro-  
5 priate training, technical assistance, staff develop-  
6 ment, and other activities, including—

7 ~~(A)~~ assistance in replicating programs of  
8 demonstrated effectiveness, to States and local-  
9 ities;

10 ~~(B)~~ the training of staff providing rapid  
11 response services;

12 ~~(C)~~ the training of other staff of recipients  
13 of funds under this title, including the staff of  
14 local boards and State boards;

15 ~~(D)~~ the training of members of State  
16 boards and local boards;

17 ~~(E)~~ assistance in the development and im-  
18 plementation of integrated, technology-enabled  
19 intake and case management information sys-  
20 tems for programs carried out under this Act  
21 and programs carried out by one-stop partners,  
22 such as standard sets of technical requirements  
23 for the systems, offering interfaces that States  
24 could use in conjunction with their current (as  
25 of the first date of implementation of the sys-  
26 tems) intake and case management information

1 systems that would facilitate shared registration  
2 across programs;

3 ~~(F)~~ peer review activities under this title;

4 and

5 ~~(G)~~ in particular, assistance to States in  
6 making transitions to implement the provisions  
7 of this Act.

8 ~~(2)~~ SUFFICIENT CAPACITY.—The Secretary  
9 shall ensure that the Department has sufficient ca-  
10 pacity to carry out, and carries out, directly or in ac-  
11 cordance with paragraph ~~(3)~~, the activities described  
12 in paragraph ~~(1)~~ for all States and recipients of fi-  
13 nancial assistance under any of sections 266 through  
14 268.

15 ~~(3)~~ FORM OF ASSISTANCE.—

16 ~~(A)~~ IN GENERAL.—In order to carry out  
17 paragraph ~~(1)~~ on behalf of a State or recipient  
18 of financial assistance under any of sections  
19 266 through 268, the Secretary, after consulta-  
20 tion with the State or grant recipient, may  
21 award grants or enter into contracts or coopera-  
22 tive agreements.

23 ~~(B)~~ LIMITATION.—Grants or contracts  
24 awarded under paragraph ~~(1)~~ to entities other  
25 than States or local units of government that

1           are for amounts in excess of \$100,000 shall  
 2           only be awarded on a competitive basis.

3       (b) ~~DISLOCATED WORKER TECHNICAL ASSIST-~~  
 4 ~~ANCE.—~~

5           (1) ~~AUTHORITY.—~~Of the amounts available  
 6       pursuant to section 232(a)(2)(A), the Secretary shall  
 7       reserve not more than 5 percent of such amounts to  
 8       provide technical assistance to States that do not  
 9       meet the State performance accountability measures  
 10      described in section 131(b)(2)(A)(i) with respect to  
 11      employment and training activities for dislocated  
 12      workers. Using such reserved funds, the Secretary  
 13      may provide such assistance to other States, local  
 14      areas, and other entities involved in providing assist-  
 15      ance to dislocated workers, to promote the contin-  
 16      uous improvement of assistance provided to dis-  
 17      located workers, under this title.

18       (2) ~~TRAINING.—~~Amounts reserved under this  
 19      subsection may be used to provide for the training  
 20      of staff, including specialists, who provide rapid re-  
 21      sponse services. Such training shall include instruc-  
 22      tion in proven methods of promoting, establishing,  
 23      and assisting labor-management committees. Such  
 24      projects shall be administered through the Employ-

1       ment and Training Administration of the Depart-  
2       ment.

3       (c) PROMISING AND PROVEN PRACTICES COORDINA-  
4 TION.—Consistent with the identification and dissemina-  
5 tion of promising and proven practices under subtitle C  
6 of title I, the Secretary shall—

7           (1) establish a system through which States  
8       may share information regarding promising and  
9       proven practices with regard to the operation of  
10      workforce investment activities under this Act;

11          (2) evaluate and disseminate information re-  
12      garding such promising and proven practices and  
13      identify knowledge gaps; and

14          (3) commission research under section 270(b)  
15      to address knowledge gaps identified under para-  
16      graph (2).

17 **SEC. 270. EVALUATIONS AND RESEARCH.**

18      (a) EVALUATIONS.—

19          (1) EVALUATIONS OF PROGRAMS AND ACTIVI-  
20      TIES CARRIED OUT UNDER THIS TITLE AND TITLE  
21      I.—For the purpose of improving the management  
22      and effectiveness of programs and activities carried  
23      out under this title and title I, the Secretary shall  
24      provide for the continuing evaluation of the pro-  
25      grams and activities, including those programs and



1 activities carried out under this section. Each such  
2 evaluation shall address—

3 (A) the general effectiveness of such pro-  
4 grams and activities in relation to their cost, in-  
5 cluding the extent to which the programs and  
6 activities—

7 (i) improve the employment com-  
8 petencies of participants in comparison to  
9 comparably situated individuals who did  
10 not participate in such programs and ac-  
11 tivities; and

12 (ii) to the extent feasible, increase the  
13 level of total employment over the level  
14 that would have existed in the absence of  
15 such programs and activities;

16 (B) the effectiveness of the performance  
17 accountability measures relating to such pro-  
18 grams and activities;

19 (C) the effectiveness of the structure and  
20 mechanisms for delivery of services through  
21 such programs and activities, including the co-  
22 ordination and integration of services through  
23 such programs and activities;

1           (D) the impact of such programs and ac-  
 2           tivities on the community and participants in-  
 3           volved;

4           (E) the impact of such programs and ac-  
 5           tivities on related programs and activities;

6           (F) the extent to which such programs and  
 7           activities meet the needs of various demo-  
 8           graphic groups; and

9           (G) such other factors as may be appro-  
 10          priate.

11          (2) EVALUATIONS OF OTHER PROGRAMS AND  
 12          ACTIVITIES.—The Secretary may conduct evalua-  
 13          tions of other federally funded employment-related  
 14          programs and activities under other provisions of  
 15          law.

16          (3) TECHNIQUES.—Evaluations conducted  
 17          under this subsection shall utilize appropriate meth-  
 18          odology and research designs, including the use of  
 19          control groups chosen by scientific random assign-  
 20          ment methodologies. The Secretary shall conduct at  
 21          least 1 multisite control group evaluation under this  
 22          subsection by the end of fiscal year 2018.

23          (4) REPORTS.—The entity carrying out an eval-  
 24          uation described in paragraph (1) or (2) shall pre-  
 25          pare and submit to the Secretary a draft report and

1 a final report containing the results of the evalua-  
2 tion.

3 (5) ~~REPORTS TO CONGRESS.~~—Not later than  
4 30 days after the completion of a draft report under  
5 paragraph (4), the Secretary shall transmit the draft  
6 report to the Committee on Education and the  
7 Workforce of the House of Representatives and the  
8 Committee on Health, Education, Labor, and Pen-  
9 sions of the Senate. Not later than 60 days after the  
10 completion of a final report under such paragraph,  
11 the Secretary shall transmit the final report to such  
12 committees of the Congress.

13 (6) ~~PUBLICATION OF REPORTS.~~—If an entity  
14 that enters into a contract or other arrangement  
15 with the Secretary to conduct an evaluation of a pro-  
16 gram or activity under this subsection requests per-  
17 mission from the Secretary to publish a report re-  
18 sulting from the evaluation, such entity may publish  
19 the report unless the Secretary denies the request  
20 during the 90-day period beginning on the date the  
21 Secretary receives such request.

22 (7) ~~COORDINATION.~~—The Secretary shall en-  
23 sure the coordination of evaluations carried out by  
24 States pursuant to section 131(e) with the evalua-  
25 tions carried out under this subsection.

1       (b) RESEARCH, STUDIES, AND MULTISTATE  
2 PROJECTS.—

3           (1) IN GENERAL.—After consultation with  
4 States, localities, and other interested parties, the  
5 Secretary shall, every 2 years, publish in the Federal  
6 Register, a plan that describes the research, studies,  
7 and multistate project priorities of the Department  
8 of Labor concerning employment and training for  
9 the 5-year period following the submission of the  
10 plan. The plan shall be consistent with the purposes  
11 of this title and title I, including the purpose of  
12 aligning and coordinating core programs with other  
13 one-stop partner programs. Copies of the plan shall  
14 be transmitted to the Committee on Education and  
15 the Workforce of the House of Representatives, the  
16 Committee on Health, Education, Labor, and Pen-  
17 sions of the Senate, the Department of Education,  
18 and other relevant Federal agencies.

19           (2) FACTORS.—The plan published under para-  
20 graph (1) shall contain strategies to address national  
21 employment and training problems and take into ac-  
22 count factors such as—

23                   (A) the availability of existing research (as  
24                   of the date of the publication);

1           (B) the need to ensure results that have  
2 interstate validity;

3           (C) the benefits of economies of scale and  
4 the efficiency of proposed projects; and

5           (D) the likelihood that the results of the  
6 projects will be useful to policymakers and  
7 stakeholders in addressing employment and  
8 training problems.

9           (3) RESEARCH PROJECTS.—The Secretary  
10 shall, through grants or contracts, carry out re-  
11 search projects that will contribute to the solution of  
12 employment and training problems in the United  
13 States and that are consistent with the priorities  
14 specified in the plan published under subsection (a).

15           (4) STUDIES AND REPORTS.—

16           (A) NET IMPACT STUDIES AND RE-  
17 PORTS.—

18           (i) IN GENERAL.—The Secretary of  
19 Labor, in coordination with the Secretary  
20 of Education and other relevant Federal  
21 agencies, may conduct studies to determine  
22 the net impact and best practices of pro-  
23 grams, services, and activities carried out  
24 under this Act.

1                   (ii) ~~REPORTS.~~—The Secretary shall  
2                   prepare and disseminate to the public, in-  
3                   cluding through electronic means, reports  
4                   containing the results of the studies con-  
5                   ducted under clause (i).

6                   (B) ~~STUDY ON RESOURCES AVAILABLE TO~~  
7                   ~~ASSIST DISCONNECTED YOUTH.~~—The Secretary  
8                   of Labor, in coordination with the Secretary of  
9                   Education, may conduct a study examining—

10                   (i) the characteristics of eligible youth  
11                   that result in such youth being signifi-  
12                   cantly disconnected from education and  
13                   workforce participation;

14                   (ii) the ways in which such youth  
15                   could have greater opportunities for edu-  
16                   cation attainment and obtaining employ-  
17                   ment; and

18                   (iii) the resources available at the  
19                   Federal, State, and local levels to assist  
20                   such youth in obtaining the skills (includ-  
21                   ing skills acquired through workforce prep-  
22                   aration activities), credentials, and work  
23                   experience necessary to become economi-  
24                   cally self-sufficient.

1           (C) STUDY OF EFFECTIVENESS OF WORK-  
2           FORCE DEVELOPMENT SYSTEM IN MEETING  
3           BUSINESS NEEDS.—

4           (i) IN GENERAL.—Using funds avail-  
5           able to carry out this subsection jointly  
6           with funds available to the Secretary of  
7           Commerce, the Administrator of the Small  
8           Business Administration, and the Sec-  
9           retary of Education, the Secretary of  
10          Labor, in coordination with the Secretary  
11          of Commerce, the Administrator of the  
12          Small Business Administration, and the  
13          Secretary of Education, may conduct a  
14          study of the effectiveness of the workforce  
15          development system in meeting the needs  
16          of business, with particular attention to  
17          the needs of small business, including in  
18          assisting workers to obtain the skills need-  
19          ed to utilize emerging technologies. The  
20          study may examine issues such as—

21               (I) methods for identifying the  
22               workforce needs of businesses and  
23               how the requirements of small busi-  
24               nesses may differ from larger estab-  
25               lishments;

1 (II) business satisfaction with the  
2 workforce development system, with  
3 particular emphasis on the satisfac-  
4 tion of small businesses;

5 (III) the extent to which business  
6 is engaged as a collaborative partner  
7 in the workforce development system;  
8 including—

9 (aa) the number and per-  
10 centage of members of State  
11 boards and local boards who are  
12 representatives of businesses; and

13 (bb) the extent to which  
14 State boards, local boards, and  
15 one-stop centers established  
16 under section 221(c) effectively  
17 collaborate with business and in-  
18 dustry leaders in developing  
19 workforce development strategies;  
20 including strategies to identify  
21 high-growth employment oppor-  
22 tunities;

23 (IV) ways in which the workforce  
24 development system addresses the  
25 changing skill needs of business that



1 result from changes in technology and  
2 work processes;

3 (V) promising practices for serv-  
4 ing small businesses;

5 (VI) the extent and manner in  
6 which the workforce development sys-  
7 tem uses technology to serve business  
8 and individual needs, and how uses of  
9 technology could enhance the effi-  
10 ciency and effectiveness of the system  
11 in providing services; and

12 (VII) the extent to which various  
13 segments of the labor force have ac-  
14 cess to and utilize technology to locate  
15 job openings and apply for jobs, and  
16 characteristics of individuals utilizing  
17 such technology (such as age, gender,  
18 race or ethnicity, industry sector, and  
19 occupational group).

20 (ii) REPORT TO CONGRESS.—If the  
21 Secretary conducts a study under clause  
22 (i), the Secretary shall prepare and submit  
23 to the Committee on Education and the  
24 Workforce of the House of Representatives  
25 and the Committee on Health, Education,

1 Labor, and Pensions of the Senate a re-  
2 port containing the results of the study.  
3 Such report shall include any recommenda-  
4 tions the Secretary determines are appro-  
5 priate to include in such report, including  
6 ways to enhance the effectiveness of the  
7 workforce development system in meeting  
8 the needs of business for skilled workers.

9 (D) STUDY ON PARTICIPANTS ENTERING  
10 NONTRADITIONAL OCCUPATIONS.—The Sec-  
11 retary of Labor, in coordination with the Sec-  
12 retary of Education, may conduct a study ex-  
13 amining—

14 (i) the number and percentage of indi-  
15 viduals who receive employment and train-  
16 ing activities and who enter nontraditional  
17 occupations;

18 (ii) successful strategies through  
19 which State boards and local boards can  
20 place and support the retention of individ-  
21 uals in nontraditional employment, such as  
22 by providing post-placement assistance to  
23 participants in the form of exit interviews,  
24 mentoring, networking, and leadership de-  
25 velopment; and

(iii) the degree to which recipients of employment and training activities are informed of the possibility of, or directed to begin, training or education needed for entrance into nontraditional occupations.

(E) STUDY ON PERFORMANCE INDICATORS.—

(i) IN GENERAL.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct studies to determine the feasibility of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available through wage records, for potential use as a performance indicator.

(ii) REPORT.—The Secretary shall prepare and disseminate to the public, including through electronic means, a report containing the results of any study conducted under this subparagraph.

(F) STUDY ON JOB TRAINING FOR RECIPIENTS OF PUBLIC HOUSING ASSISTANCE.—

1           (i) IN GENERAL.—The Secretary of  
 2           Labor, in coordination with the Secretary  
 3           of Housing and Urban Development, may  
 4           conduct studies to assist public housing  
 5           authorities to provide, to recipients of pub-  
 6           lic housing assistance, job training pro-  
 7           grams that successfully upgrade job skills  
 8           and employment in, and access to, jobs  
 9           with opportunity for advancement and eco-  
 10          nomic self-sufficiency for such recipients.

11          (ii) REPORT.—The Secretary shall  
 12          prepare and disseminate to the public, in-  
 13          cluding through electronic means, a report  
 14          containing the results of any study con-  
 15          ducted under this subparagraph.

16          (G) STUDY ON IMPROVING EMPLOYMENT  
 17          PROSPECTS FOR OLDER INDIVIDUALS.—

18          (i) IN GENERAL.—The Secretary of  
 19          Labor, in coordination with the Secretary  
 20          of Education and the Secretary of Health  
 21          and Human Services, may conduct studies  
 22          that lead to better design and implementa-  
 23          tion of, in conjunction with employers,  
 24          local boards or State boards, community  
 25          colleges or area career and technical edu-

1            cation schools, and other organizations, ef-  
2            fective evidence-based strategies to provide  
3            services to workers who are low-income,  
4            low-skilled older individuals that increase  
5            the workers' skills and employment pros-  
6            pects.

7            (ii) REPORT.—The Secretary shall  
8            prepare and disseminate to the public, in-  
9            cluding through electronic means, a report  
10           containing the results of any study con-  
11           ducted under this subparagraph.

12           (H) STUDY ON PRIOR LEARNING.—

13           (i) IN GENERAL.—The Secretary of  
14           Labor, in coordination with other Secre-  
15           taries, as appropriate, may conduct studies  
16           that, through the convening stakeholders  
17           from the fields of education, workforce,  
18           business, labor, defense, and veterans serv-  
19           ices, and experts in such fields, develop  
20           guidelines for assessing, accounting for,  
21           and utilizing the prior learning of individ-  
22           uals, including dislocated workers and vet-  
23           erans, in order to provide the individuals  
24           with postsecondary educational credit for  
25           such prior learning that leads to the at-

1           tainment of a recognized postsecondary  
2           credential and employment.

3           (ii) REPORT.—The Secretary shall  
4           prepare and disseminate to the public, in-  
5           cluding through electronic means, reports  
6           containing the results of the studies con-  
7           ducted.

8           (5) MULTISTATE PROJECTS.—

9           (A) AUTHORITY.—The Secretary may,  
10          through grants or contracts, carry out  
11          multistate projects that require demonstrated  
12          expertise that is available at the national level  
13          to effectively disseminate best practices and  
14          models for implementing employment and train-  
15          ing services; address the specialized employment  
16          and training needs of particular service popu-  
17          lations; or address industry-wide skill shortages;  
18          to the extent such projects are consistent with  
19          the priorities specified in the plan published  
20          under paragraph (1).

21          (B) DESIGN OF GRANTS.—Grants or con-  
22          tracts awarded under this paragraph shall be  
23          designed to obtain information relating to the  
24          provision of services under different economic  
25          conditions or to various demographic groups in

1 order to provide guidance at the national and  
2 State levels about how best to administer spe-  
3 cific employment and training services.

4 (6) LIMITATIONS.—

5 (A) COMPETITIVE AWARDS.—A grant or  
6 contract awarded for carrying out projects  
7 under this subsection in an amount that ex-  
8 ceeds \$100,000 shall be awarded only on a  
9 competitive basis, except that a noncompetitive  
10 award may be made in the case of a project  
11 that is funded jointly with other public or pri-  
12 vate sector entities that provide a substantial  
13 portion of assistance under the grant or con-  
14 tract for the project.

15 (B) TIME LIMITS.—A grant or contract  
16 shall not be awarded under this subsection to  
17 the same organization for more than 3 consec-  
18 tive years unless such grant or contract is com-  
19 petitively reevaluated within such period.

20 (C) PEER REVIEW.—

21 (i) IN GENERAL.—The Secretary shall  
22 utilize a peer review process—

23 (I) to review and evaluate all ap-  
24 plications for grants in amounts that

1                   exceed \$500,000 that are submitted  
2                   under this section; and

3                   ~~(H)~~ to review and designate ex-  
4                   emplary and promising programs  
5                   under this section.

6                   ~~(ii)~~ ~~AVAILABILITY OF FUNDS.~~—The  
7                   Secretary is authorized to use funds pro-  
8                   vided under this section to carry out peer  
9                   review activities under this subparagraph.

10                  ~~(D)~~ ~~PRIORITY.~~—In awarding grants or  
11                  contracts under this subsection, priority shall be  
12                  provided to entities with recognized expertise in  
13                  the methods, techniques, and knowledge of  
14                  workforce investment activities and shall in-  
15                  clude appropriate time limits, established by the  
16                  Secretary, for the duration of such projects.

17                  ~~(e)~~ ~~DISLOCATED WORKER PROJECTS.~~—Of the  
18                  amount made available pursuant to section 232(a)(2)(A)  
19                  for any program year, the Secretary shall use not more  
20                  than 10 percent of such amount to carry out demonstra-  
21                  tion and pilot projects, multiservice projects, and  
22                  multistate projects relating to the employment and train-  
23                  ing needs of dislocated workers. Of the requirements of  
24                  this section, such projects shall be subject only to the pro-  
25                  visions relating to review and evaluation of applications



1 under subsection (c)(6)(C). Such projects may include  
 2 demonstration and pilot projects relating to promoting  
 3 self-employment, promoting job creation, averting disloca-  
 4 tions, assisting dislocated farmers, assisting dislocated  
 5 fishermen, and promoting public works. Such projects  
 6 shall be administered by the Secretary, acting through the  
 7 Assistant Secretary of Employment and Training Admin-  
 8 istration.

9       (d) ENERGY EFFICIENCY AND RENEWABLE ENERGY  
 10 WORKER TRAINING PROGRAM.—

11           (1) GRANT PROGRAM.—

12               (A) IN GENERAL.—Not later than 6  
 13 months after the date of enactment of the  
 14 Green Jobs Act of 2007, the Secretary of  
 15 Labor, in consultation with the Secretary of  
 16 Energy, shall establish an energy efficiency and  
 17 renewable energy worker training program  
 18 under which the Secretary of Labor shall carry  
 19 out the activities described in paragraph (2) to  
 20 achieve the purposes of this subsection.

21               (B) ELIGIBILITY.—For purposes of pro-  
 22 viding assistance and services under the pro-  
 23 gram established under this subsection—

1           (i) target populations of eligible indi-  
 2           viduals to be given priority for training  
 3           and other services shall include—

4                   (I) workers impacted by national  
 5                   energy and environmental policy;

6                   (II) individuals in need of up-  
 7                   dated training related to the energy  
 8                   efficiency and renewable energy indus-  
 9                   tries;

10                  (III) veterans, or past and  
 11                  present members of reserve compo-  
 12                  nents of the Armed Forces;

13                  (IV) unemployed individuals;

14                  (V) individuals, including at-risk  
 15                  youth, seeking employment pathways  
 16                  out of poverty and into economic self-  
 17                  sufficiency; and

18                  (VI) formerly incarcerated, adju-  
 19                  dicated, nonviolent offenders; and

20           (ii) energy efficiency and renewable  
 21           energy industries eligible to participate in  
 22           a program under this subsection include—

23                   (I) the energy-efficient building,  
 24                   construction, and retrofits industries;

1                   (II) the renewable electric power  
2 industry;

3                   (III) the energy efficient and ad-  
4 vanced drive train vehicle industry;

5                   (IV) the biofuels industry;

6                   (V) the materials use industry;

7                   (VI) the energy efficiency assess-  
8 ment industry serving the residential,  
9 commercial, or industrial sectors; and

10                  (VII) manufacturers that  
11 produce sustainable products using  
12 environmentally sustainable processes  
13 and materials.

14           (2) ACTIVITIES.—

15                  (A) NATIONAL RESEARCH PROGRAM.—

16           Under the program established under para-  
17 graph (1), the Secretary, acting through the  
18 Bureau of Labor Statistics, where appropriate,  
19 shall collect and analyze labor market data to  
20 track workforce trends resulting from energy-  
21 related initiatives carried out under this sub-  
22 section. Activities carried out under this sub-  
23 paragraph shall include—

24                  (i) tracking and documentation of  
25 academic and occupational competencies as

1 well as future skill needs with respect to  
2 renewable energy and energy efficiency  
3 technology;

4 (ii) tracking and documentation of oc-  
5 cupational information and workforce  
6 training data with respect to renewable en-  
7 ergy and energy efficiency technology;

8 (iii) collaborating with State agencies,  
9 workforce investment boards, industry, or-  
10 ganized labor, and community and non-  
11 profit organizations to disseminate infor-  
12 mation on successful strategies for labor  
13 market services and worker training with  
14 respect to renewable energy and energy ef-  
15 ficiency technology;

16 (iv) serving as a clearinghouse for  
17 best practices in workforce development,  
18 job placement, and collaborative training  
19 partnerships;

20 (v) encouraging the establishment of  
21 workforce training initiatives with respect  
22 to renewable energy and energy efficiency  
23 technologies;

24 (vi) linking research and development  
25 in renewable energy and energy efficiency

1 technology with the development of stand-  
2 ards and curricula for current and future  
3 jobs;

4 (vii) assessing new employment and  
5 work practices including career ladder and  
6 upgrade training as well as high perform-  
7 ance work systems; and

8 (viii) providing technical assistance  
9 and capacity building to national and State  
10 energy partnerships, including industry  
11 and labor representatives.

12 (B) NATIONAL ENERGY TRAINING PART-  
13 NERSHIP GRANTS.—

14 (i) IN GENERAL.—Under the program  
15 established under paragraph (1), the Sec-  
16 retary shall award National Energy Train-  
17 ing Partnerships Grants on a competitive  
18 basis to eligible entities to enable such en-  
19 tities to carry out training that leads to  
20 economic self-sufficiency and to develop an  
21 energy efficiency and renewable energy in-  
22 dustries workforce. Grants shall be award-  
23 ed under this subparagraph so as to ensure  
24 geographic diversity with at least 2 grants  
25 awarded to entities located in each of the

Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

(ii) **ELIGIBILITY.**—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

(II) demonstrates—

(aa) experience in implementing and operating worker

1 skills training and education pro-  
2 grams;

3 (bb) the ability to identify  
4 and involve in training programs  
5 carried out under this grant, tar-  
6 get populations of individuals  
7 who would benefit from training  
8 and be actively involved in activi-  
9 ties related to energy efficiency  
10 and renewable energy industries;  
11 and

12 (cc) the ability to help indi-  
13 viduals achieve economic self-suf-  
14 ficiency.

15 (iii) PRIORITY.—Priority shall be  
16 given to partnerships which leverage addi-  
17 tional public and private resources to fund  
18 training programs, including cash or in-  
19 kind matches from participating employers.

20 (C) STATE LABOR MARKET RESEARCH, IN-  
21 FORMATION, AND LABOR EXCHANGE RESEARCH  
22 PROGRAM.—

23 (i) IN GENERAL.—Under the program  
24 established under paragraph (1), the Sec-  
25 retary shall award competitive grants to

1 States to enable such States to administer  
2 labor market and labor exchange informa-  
3 tion programs that include the implemen-  
4 tation of the activities described in clause  
5 (ii), in coordination with the one-stop deliv-  
6 ery system.

7 (ii) ACTIVITIES.—A State shall use  
8 amounts awarded under a grant under this  
9 subparagraph to provide funding to the  
10 State agency that administers the Wagner-  
11 Peyser Act (29 U.S.C. 49 et seq.) and  
12 State unemployment compensation pro-  
13 grams to carry out the following activities  
14 using State agency merit staff:

15 (I) The identification of job open-  
16 ings in the renewable energy and en-  
17 ergy efficiency sector.

18 (II) The administration of skill  
19 and aptitude testing and assessment  
20 for workers.

21 (III) The counseling, career plan-  
22 ning, and referral of qualified job  
23 seekers to openings and training pro-  
24 grams, including energy efficiency and  
25 renewable energy training programs.



1           (D) STATE ENERGY TRAINING PARTNER-  
2 SHIP PROGRAM.—

3           (i) IN GENERAL.—Under the program  
4 established under paragraph (1), the Sec-  
5 retary shall award competitive grants to  
6 States to enable such States to administer  
7 renewable energy and energy efficiency  
8 workforce development programs that in-  
9 clude the implementation of the activities  
10 described in clause (ii).

11          (ii) PARTNERSHIPS.—A State shall  
12 use amounts awarded under a grant under  
13 this subparagraph to award competitive  
14 grants to eligible State Energy Sector  
15 Partnerships to enable such Partnerships  
16 to coordinate with existing apprenticeship  
17 and labor management training programs  
18 and implement training programs that lead  
19 to the economic self-sufficiency of trainees.

20          (iii) ELIGIBILITY.—To be eligible to  
21 receive a grant under this subparagraph, a  
22 State Energy Sector Partnership shall—

23           (I) consist of nonprofit organiza-  
24 tions that include equal participation  
25 from industry, including public or pri-

1 vate nonprofit employers, and labor  
2 organizations, including joint labor-  
3 management training programs, and  
4 may include representatives from local  
5 governments, the workforce develop-  
6 ment system (including one-stop cen-  
7 ters), community-based organizations,  
8 qualified service and conservation  
9 corps, community colleges and other  
10 institutions of higher education, small  
11 businesses, cooperatives, State and  
12 local veterans agencies, and veterans  
13 service organizations;

14 (II) demonstrate experience in  
15 implementing and operating worker  
16 skills training and education pro-  
17 grams; and

18 (III) demonstrate the ability to  
19 identify and involve in training pro-  
20 grams, target populations of workers  
21 who would benefit from training and  
22 be actively involved in activities re-  
23 lated to energy efficiency and renew-  
24 able energy industries.

1           (iv) PRIORITY.—In awarding grants  
2           under this subparagraph, the Secretary  
3           shall give priority to States that dem-  
4           onstrate that activities under the grant—

5                   (I) meet national energy policies  
6                   associated with energy efficiency, re-  
7                   newable energy, and the reduction of  
8                   emissions of greenhouse gases;

9                   (II) meet State energy policies  
10                  associated with energy efficiency, re-  
11                  newable energy, and the reduction of  
12                  emissions of greenhouse gases; and

13                  (III) leverage additional public  
14                  and private resources to fund training  
15                  programs, including cash or in-kind  
16                  matches from participating employers.

17           (v) COORDINATION.—A grantee under  
18           this subparagraph shall coordinate activi-  
19           ties carried out under the grant with exist-  
20           ing other appropriate training programs,  
21           including apprenticeship and labor man-  
22           agement training programs and activities  
23           (including such activities referenced in  
24           paragraph (3)(A)), and implement training

1 programs that lead to the economic self-  
2 sufficiency of trainees.

3 ~~(E) PATHWAYS OUT OF POVERTY DEM-~~  
4 ~~ONSTRATION PROGRAM.—~~

5 (i) IN GENERAL.—Under the program  
6 established under paragraph (1), the Sec-  
7 retary shall award competitive grants of  
8 sufficient size to eligible entities to enable  
9 such entities to carry out training that  
10 leads to economic self-sufficiency. The Sec-  
11 retary shall give priority to entities that  
12 serve individuals in families with income of  
13 less than 200 percent of the economic self-  
14 sufficiency standard for the local areas  
15 where the training is conducted that speci-  
16 fies, as defined by the State, or where such  
17 standard is not established, the income  
18 needs of families, by family size, the num-  
19 ber and ages of children in the family, and  
20 sub-State geographical considerations.  
21 Grants shall be awarded to ensure geo-  
22 graphic diversity.

23 (ii) ELIGIBLE ENTITIES.—To be eligi-  
24 ble to receive a grant under this subpara-

graph, an entity shall be a partnership  
that—

(I) includes—

(aa) a State board or local  
board;

(bb) community-based non-  
profit organizations;

(cc) educational institutions  
with expertise in serving low-in-  
come adults or youth;

(dd) public or private em-  
ployers from the industry sectors  
described in paragraph (1)(B)(ii);  
and

(ee) labor organizations rep-  
resenting workers in such indus-  
try sectors;

(II) demonstrates a record of  
successful experience in implementing  
and operating worker skills training  
and education programs;

(III) coordinates activities, where  
appropriate, with the workforce devel-  
opment system; and

1 (IV) demonstrates the ability to  
2 recruit individuals for training and to  
3 support such individuals to successful  
4 completion in training programs car-  
5 ried out under this grant, targeting  
6 populations of workers who are or will  
7 be engaged in activities related to en-  
8 ergy efficiency and renewable energy  
9 industries.

10 (iii) PRIORITIES.—In awarding grants  
11 under this subparagraph, the Secretary  
12 shall give priority to applicants that—

13 (I) target programs to benefit  
14 low-income workers, unemployed  
15 youth and adults, school dropouts, or  
16 other underserved sectors of the work-  
17 force within areas of high poverty;

18 (II) ensure that supportive serv-  
19 ices are integrated with education and  
20 training, and delivered by organiza-  
21 tions with direct access to and experi-  
22 ence with targeted populations;

23 (III) leverage additional public  
24 and private resources to fund training

1 programs, including cash or in-kind  
2 matches from participating employers;

3 (IV) involve employers and labor  
4 organizations in the determination of  
5 relevant skills and competencies and  
6 ensure that the certificates or creden-  
7 tials that result from the training are  
8 recognized postsecondary credentials;

9 (V) deliver courses at alternative  
10 times (such as evening and weekend  
11 programs) and locations most conven-  
12 ient and accessible to participants and  
13 link adult remedial education with oc-  
14 cupational skills training; and

15 (VI) demonstrate substantial ex-  
16 perience in administering Federal,  
17 State, local, municipal, foundation, or  
18 private entity grants.

19 (iv) DATA COLLECTION.—A grantee  
20 under this subparagraph shall collect and  
21 report the following information with re-  
22 spect to the program carried out under the  
23 grant:

24 (I) The number of participants.

1           (II) The demographic character-  
2           istics of participants, including race,  
3           gender, age, parenting status, partici-  
4           pation in other Federal programs,  
5           education and literacy level at entry,  
6           and other characteristics that are sig-  
7           nificant barriers to employment (such  
8           as being an English language learner  
9           or having a criminal record, addiction  
10          or mental health problem requiring  
11          treatment, or intellectual disability).

12          (III) The services received by  
13          participants, including training, edu-  
14          cation, and supportive services.

15          (IV) The amount of program  
16          spending per participant.

17          (V) Program completion rates.

18          (VI) Factors determined as sig-  
19          nificantly interfering with program  
20          participation or completion.

21          (VII) The rate of job placement  
22          and the rate of employment retention  
23          after 1 year.

24          (VIII) The average wage at  
25          placement, including any benefits, and



the rate of average wage increase  
after 1 year.

~~(IX) Any post-employment sup-  
portive services provided.~~

The Secretary shall assist grantees in the  
collection of data under this clause by  
making available, where practicable, low-  
cost means of tracking the labor market  
outcomes of participants, and by providing  
standardized reporting forms, where appro-  
priate.

~~(3) ACTIVITIES.—~~

~~(A) IN GENERAL.—Activities to be carried  
out under a program authorized by subpara-  
graph (B), (D), or (E) of paragraph (2) shall  
be coordinated with existing systems or pro-  
viders, as appropriate. Such activities may in-  
clude—~~

~~(i) occupational skills training, includ-  
ing curriculum development, on-the-job  
training, and classroom training;~~

~~(ii) safety and health training;~~

~~(iii) the provision of—~~

~~(I) adult education and literary  
activities, English as a second lan-~~

1                   guage instruction, or job readiness  
2                   training; or

3                   (ii) training leading to the at-  
4                   tainment of the recognized equivalent  
5                   of a secondary school diploma;

6                   (iv) individual referral and tuition as-  
7                   sistance for a community college training  
8                   program, or any training program leading  
9                   to an industry-recognized certificate;

10                  (v) internship programs in fields re-  
11                  lated to energy efficiency and renewable  
12                  energy;

13                  (vi) customized training in conjunc-  
14                  tion with an existing apprenticeship pro-  
15                  gram or labor-management partnership;

16                  (vii) incumbent worker and career lad-  
17                  der training and skill upgrading and re-  
18                  training;

19                  (viii) the implementation of transi-  
20                  tional jobs strategies; and

21                  (ix) the provision of supportive serv-  
22                  ices.

23                  (B) OUTREACH ACTIVITIES.—In addition  
24                  to the activities authorized under subparagraph  
25                  (A), activities authorized for programs under

subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and career planning services.

(4) WORKER PROTECTIONS AND NON-DISCRIMINATION REQUIREMENTS.—

(A) APPLICATION OF WIA.—The provisions of sections 281 and 288 shall apply to all programs carried out with assistance under this subsection.

(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded under this subsection the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

(5) PERFORMANCE ACCOUNTABILITY MEASURES.—

(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this subsection on performance accountability measures that will be used to evaluate

1 the performance of the eligible entity in ear-  
2 rying out the activities described in paragraph  
3 ~~(2)~~. Such performance accountability measures  
4 shall consist of indicators of performance (in-  
5 cluding the primary indicators of performance  
6 described in section 131(b)(2)(A)), and an ex-  
7 pected level of performance described in sub-  
8 paragraph (B) for each indicator of perform-  
9 ance.

10 ~~(B) LEVELS OF PERFORMANCE.~~—The Sec-  
11 retary shall negotiate and reach agreement with  
12 the eligible entity regarding the levels of per-  
13 formance expected to be achieved by the eligible  
14 entity on the indicators of performance.

15 ~~(6) REPORT.~~—

16 ~~(A) STATUS REPORT.~~—Not later than 18  
17 months after the date of enactment of the  
18 Green Jobs Act of 2007, the Secretary shall  
19 transmit a report to the Committee on Edu-  
20 cation and the Workforce and the Committee  
21 on Energy and Commerce of the House of Rep-  
22 resentatives, and the Committee on Energy and  
23 Natural Resources and the Committee on  
24 Health, Education, Labor, and Pensions of the  
25 Senate, on the training program established

1 under this subsection. The report shall include  
2 a description of the entities receiving funding  
3 and the activities carried out by such entities.

4 (B) EVALUATION.—Not later than 3 years  
5 after the date of enactment of such Act, the  
6 Secretary shall transmit to the Committee on  
7 Education and the Workforce and the Com-  
8 mittee on Energy and Commerce of the House  
9 of Representatives, and the Committee on En-  
10 ergy and Natural Resources and the Committee  
11 on Health, Education, Labor, and Pensions of  
12 the Senate, an assessment of such program and  
13 an evaluation of the activities carried out by en-  
14 tities receiving funding from such program.

15 (7) DEFINITION.—As used in this subsection,  
16 the term “renewable energy” has the meaning given  
17 such term in section 203(b)(2) of the Energy Policy  
18 Act of 2005 (42 U.S.C. 15852).

19 (8) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to carry out  
21 this subsection, \$125,000,000 for each fiscal year, of  
22 which—

23 (A) not to exceed 20 percent of the amount  
24 appropriated in each such fiscal year shall be  
25 made available for, and shall be equally divided

between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (6);

(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).

(e) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WHO ARE ENGLISH LANGUAGE LEARNERS.—

(1) DEFINITIONS.—In this subsection:

(A) INTEGRATED WORKFORCE TRAINING.—The term “integrated workforce training” means training that integrates occupational skills training with English language acquisition.

1           (B) SECRETARY.—The term “Secretary”  
2           means the Secretary of Labor, in consultation  
3           with the Secretary of Education.

4           (2) DEMONSTRATION PROJECT.—From funds  
5           appropriated pursuant to paragraph (11), the Sec-  
6           retary shall establish and implement a national dem-  
7           onstration project that is designed to both analyze  
8           and provide data on workforce training programs  
9           that integrate English language acquisition and oc-  
10          cupational training.

11          (3) GRANTS.—

12           (A) IN GENERAL.—In carrying out the  
13           demonstration project under this subsection,  
14           the Secretary shall make not less than 10  
15           grants, on a competitive basis, to eligible enti-  
16           ties to provide the integrated workforce training  
17           programs. In awarding grants under this sub-  
18           section, the Secretary shall take into consider-  
19           ation awarding grants to eligible entities from  
20           diverse geographic areas, including rural areas.

21           (B) PERIODS.—The Secretary shall award  
22           a grant under this subsection for a period of  
23           not less than 24 months and not more than 48  
24           months.

25          (4) ELIGIBLE ENTITIES.—

1           (A) ~~IN GENERAL.~~—To be eligible to receive  
 2 a grant under this subsection, an eligible entity  
 3 shall work in partnership with a local board and  
 4 shall include as a principal participant ~~1~~ or  
 5 more of the following:

6           (i) An employer or employer associa-  
 7 tion.

8           (ii) A nonprofit provider of English  
 9 language instruction.

10          (iii) A provider of occupational or  
 11 skills training.

12          (iv) A community-based organization.

13          (v) An institution of higher education,  
 14 including a 2-year or 4-year degree-grant-  
 15 ing institution of higher education, or a  
 16 postsecondary vocational institution, as de-  
 17 fined in section 102(e) of the Higher Edu-  
 18 cation Act of 1965 (20 U.S.C. 1002(e)).

19          (vi) A labor organization.

20       (B) ~~EXPERTISE.~~—To be eligible to receive  
 21 a grant under this subsection, an eligible entity  
 22 shall have proven expertise in—

23           (i) serving individuals who are English  
 24 language learners, including individuals



1 with lower levels of oral and written  
2 English; and

3 (ii) providing workforce programs  
4 with training and English language in-  
5 struction.

6 ~~(5) APPLICATIONS.—~~

7 ~~(A) IN GENERAL.—~~To be eligible to receive  
8 a grant under this subsection, an eligible entity  
9 shall submit an application to the Secretary at  
10 such time, in such manner, and containing such  
11 information as the Secretary may require.

12 ~~(B) CONTENTS.—~~Each application sub-  
13 mitted under subparagraph (A) shall—

14 (i) contain information, including ea-  
15 pability statements, that demonstrates that  
16 the eligible entity has the expertise de-  
17 scribed in paragraph (4)(B); and

18 (ii) include an assurance that the pro-  
19 gram to be assisted will—

20 (I) establish a generalized adult  
21 bilingual workforce training and edu-  
22 cation model that integrates English  
23 language acquisition and occupational  
24 training; and incorporates the unique

1 linguistic and cultural factors of the  
2 participants;

3 (II) establish a framework by  
4 which the employer, employee, and  
5 relevant members of the eligible entity  
6 can create a career development and  
7 training plan that assists both the em-  
8 ployer and the employee to meet their  
9 long-term needs;

10 (III) ensure that the framework  
11 established under subclause (II) takes  
12 into consideration the knowledge,  
13 skills, and abilities of the employee  
14 with respect to both the current eco-  
15 nomic conditions of the employer and  
16 the future labor market conditions rel-  
17 evant to the local area; and

18 (IV) establish identifiable per-  
19 formance accountability measures that  
20 include the primary indicators of per-  
21 formance described in section  
22 131(b)(2)(A)(i), so that the progress  
23 of the employee and employer and the  
24 relative efficacy of the program can be

1 evaluated and best practices identi-  
2 fied.

3 ~~(6) CRITERIA.—~~The Secretary shall establish  
4 criteria for awarding grants under this subsection.

5 ~~(7) INTEGRATED WORKFORCE TRAINING PRO-~~  
6 ~~GRAMS.—~~

7 ~~(A) PROGRAM COMPONENTS.—~~

8 ~~(i) REQUIRED COMPONENTS.—~~Each  
9 program that receives funding under this  
10 subsection shall—

11 ~~(I)~~ test an individual's English  
12 language proficiency levels to assess  
13 oral and literacy gains from entry into  
14 the program and throughout program  
15 enrollment;

16 ~~(II)~~ combine training specific to  
17 a particular occupation or occupa-  
18 tional cluster with—

19 ~~(aa)~~ English language in-  
20 struction, such as instruction  
21 through an English as a Second  
22 Language program or an English  
23 for Speakers of Other Languages  
24 program;

1                               ~~(bb)~~ basic skills instruction;  
 2                               and

3                               ~~(cc)~~ supportive services;

4                               ~~(III)~~ effectively integrate public  
 5                               and private sector entities, including  
 6                               the local workforce development sys-  
 7                               tem and its functions, to achieve the  
 8                               goals of the program; and

9                               ~~(IV)~~ provide from private or non-  
 10                              profit sources a matching amount, in  
 11                              cash or in-kind, to carry out the ac-  
 12                              tivities supported by the grant.

13                           ~~(ii)~~ PERMISSIBLE COMPONENTS.—The  
 14                           program may offer other services as nec-  
 15                           essary to promote successful participation  
 16                           and completion of the program, including  
 17                           work-based learning, substance abuse  
 18                           treatment, and mental health services.

19                           ~~(B)~~ GOAL.—Each program that receives  
 20                           funding under this subsection shall be designed  
 21                           to prepare adults who are English language  
 22                           learners for, and place such adults in, employ-  
 23                           ment in growing industries with identifiable ca-  
 24                           reer pathways that lead to economic self-suffi-  
 25                           ciency.

1           (C) PROGRAM TYPES.—In selecting pro-  
2           grams to receive funding under this subsection,  
3           the Secretary shall select programs that meet  
4           the requirements of 1 or more of the following  
5           clauses:

6           (i) A program—

7               (I) that serves unemployed  
8               English language learners with signifi-  
9               cant work experience or substantial  
10              education whose previous employment  
11              provided persistently low wages; and

12              (II) that aims to prepare such in-  
13              dividuals for, and place such individ-  
14              uals in, higher-paying employment de-  
15              fined for purposes of this subpara-  
16              graph as employment that provides at  
17              least 75 percent of the median wage  
18              in the local area.

19           (ii) A program—

20               (I) that serves English language  
21               learners with lower levels of oral and  
22               written fluency, who are working at  
23               persistently low wages; and

24               (II) that aims to prepare such in-  
25              dividuals for, and place such individ-

uals in, higher paying employment  
 through services provided at the work-  
 site, or at a location central to several  
 worksites, during work hours.

(iii) A program—

(I) that serves unemployed  
 English language learners with lower  
 levels of oral and written fluency, who  
 have little or no work experience; and

(II) that aims to prepare such in-  
 dividuals for, and place such individ-  
 uals in, employment through services  
 that include subsidized employment,  
 in addition to the components re-  
 quired under subparagraph (A)(i).

(D) PROGRAM APPROACHES.—

(i) IN GENERAL.—In selecting pro-  
 grams to receive funding under this sub-  
 section, the Secretary shall select programs  
 with different approaches to integrated  
 workforce training and that are provided in  
 different contexts, in order to—

(I) obtain comparative data on  
 multiple approaches to integrated

1 workforce training and English lan-  
 2 guage instruction;

3 (II) ensure programs are tailored  
 4 to characteristics of individuals with  
 5 varying skill levels; and

6 (III) assess how different cur-  
 7 ricula work for English language  
 8 learner populations.

9 (ii) TYPES OF APPROACHES.—The dif-  
 10 ferent types of approaches described in  
 11 clause (i) may include—

12 (I) bilingual programs in which  
 13 the workplace language component  
 14 and the training are conducted in a  
 15 combination of an individual's native  
 16 language and English;

17 (II) integrated workforce training  
 18 programs that combine basic skills,  
 19 language instruction, and job specific  
 20 skills training; or

21 (III) sequential programs that  
 22 provide a progression of skills, lan-  
 23 guage, and training to ensure success  
 24 upon an individual's completion of the  
 25 program.

1           (8) ~~EVALUATION BY ELIGIBLE ENTITY.~~—Each  
2           eligible entity that receives a grant under this sub-  
3           section shall carry out a continuous evaluation of the  
4           program funded under the grant and an evaluation  
5           specific to the last phase of the program operations.

6           (9) ~~EVALUATION BY SECRETARY.~~—

7                 (A) ~~IN GENERAL.~~—The Secretary shall  
8           conduct an evaluation of program impacts of  
9           the programs funded under the demonstration  
10          project, using an impact study with a random  
11          assignment experimental design at each work-  
12          site at which such a program is carried out.

13                (B) ~~DATA COLLECTION AND ANALYSIS.~~—  
14          The Secretary shall collect and analyze the data  
15          from the demonstration project under this sub-  
16          section to determine the effectiveness of the  
17          project, including project participants' gains in  
18          language proficiency, acquisition of skills, and  
19          job advancement.

20                (C) ~~REPORT.~~—The Secretary shall prepare  
21          and submit to the Committee on Education and  
22          the Workforce of the House of Representatives,  
23          and the Committee on Health, Education,  
24          Labor, and Pensions of the Senate and make  
25          available to the public, a report on the dem-



1           onstration projects supported under this sub-  
2           section, including the results of the evaluation.

3           ~~(10) TECHNICAL ASSISTANCE.~~—The Secretary  
4           shall provide technical assistance to recipients of  
5           grants under this subsection throughout the grant  
6           period.

7           ~~(f) COMMUNITY-BASED JOB TRAINING.~~—

8           ~~(1) DEFINITIONS.~~—In this subsection:

9           ~~(A) COMMUNITY COLLEGE.~~—The term  
10          “community college” means—

11               (i) an institution of higher education,  
12               as defined in section 101 of the Higher  
13               Education Act of 1965 (20 U.S.C. 1001),  
14               that provides a 2-year degree that is ac-  
15               ceptable for full credit toward a bacea-  
16               laureate degree; or

17               (ii) a tribally controlled college or uni-  
18               versity, as defined in section 2 of the Trib-  
19               ally Controlled Colleges and Universities  
20               Assistance Act of 1978 (25 U.S.C. 1801).

21           ~~(B) ELIGIBLE ENTITY.~~—The term “eligible  
22           entity” means a partnership between a local  
23           board and a community college; a consortium of  
24           community colleges; or a consortium composed  
25           of a community college and 1 or more institu-

tions of higher education, that is working  
with—

(i) a business or consortium of businesses in the in-demand industry sector, as identified in the application of the entity, or an industry association in the in-demand industry sector; and

(ii) an economic development entity with expertise relevant to the qualified industry.

(C) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in subparagraph (A)(i), the term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and the meaning given the term “postsecondary vocational institution” in section 102(e) of such Act (20 U.S.C. 1002(e)).

(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects authorized under subsection (c), the Secretary, in collaboration with the Secretary of Education, may establish and implement a national demonstration project designed—

1           (A) to develop local innovative solutions to  
2           the workforce challenges facing in-demand in-  
3           dustry sectors with labor shortages; and

4           (B) to increase employment opportunities  
5           for workers by establishing partnerships among  
6           education entities; State workforce development  
7           systems; and businesses in in-demand industry  
8           sectors.

9           ~~(3)~~ GRANTS.—

10           (A) GRANTS AUTHORIZED.—In carrying  
11           out the national demonstration project author-  
12           ized under this subsection, the Secretary shall  
13           award grants, on a competitive basis, to eligible  
14           entities to enable the eligible entities to carry  
15           out activities described in paragraph (6).

16           (B) REQUIREMENTS.—Grants awarded  
17           under this subsection shall be for a period of 2,  
18           3, or 4 years and shall be awarded in accord-  
19           ance with generally applicable Federal require-  
20           ments.

21           (4) APPLICATIONS.—To be eligible to receive a  
22           grant under this subsection, an eligible entity shall  
23           submit an application to the Secretary at such time,  
24           in such manner, and containing such information as  
25           the Secretary may require, including—

1           (A) a description of the entity that will  
2           offer training under the grant;

3           (B) a justification of the need for funding  
4           under the grant to create a program to carry  
5           out the activities described in paragraph (6);

6           (C) an economic analysis of the local labor  
7           market to identify—

8                 (i) in-demand industry sectors and oc-  
9                 cupations;

10                (ii) the workforce issues faced by such  
11                industries; and

12                (iii) potential participants in programs  
13                funded under this subsection;

14           (D) a description of the in-demand indus-  
15           try sector for which the training will occur, the  
16           availability of competencies on which the train-  
17           ing will be based, and how the grant will help  
18           workers acquire the competencies and skills  
19           necessary for employment in the industry;

20           (E) a description of the involvement of the  
21           local board and businesses (including small  
22           businesses) in the geographic area where the  
23           proposed activities under the grant will be im-  
24           plemented;

(F) performance accountability measures for the activities funded under the grant that include the primary indicators of performance described in section 131(b)(2)(A)(i), and other appropriate indicators, including indicators relating to the impact of business partners;

(G) a description of how the activities funded by the grant will be coordinated with activities provided through the one-stop center in the local area; and

(H) a description of the local or private resources that will—

(i) support the activities carried out under this subsection; and

(ii) enable the entity to carry out and expand such activities after the end of the grant.

(5) FACTORS FOR AWARD OF GRANT.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider—

(i) the extent to which the activities to be carried out under the grant and the grant application align with the local plan for the area to be served;

1           (ii) the extent of public and private  
2           collaboration evidenced in the application;  
3           including existing partnerships as of the  
4           time of the application among the in-de-  
5           mand industry sectors, the eligible entity,  
6           and the public workforce development sys-  
7           tem;

8           (iii) the extent to which the grant will  
9           provide job seekers with high-quality train-  
10          ing for employment in in-demand occupa-  
11          tions;

12          (iv) the extent to which the grant will  
13          expand the eligible entity and the capacity  
14          of the local one-stop center established  
15          under section 221(e) to be demand-driven  
16          and responsive to local economic needs;

17          (v) the extent to which local busi-  
18          nesses commit to hire, retain, or advance  
19          individuals who receive training through  
20          the grant; and

21          (vi) the extent to which the eligible  
22          entity commits to make any newly devel-  
23          oped products, such as skill standards, as-  
24          sessments, or industry-recognized training

1           curricula, available for dissemination na-  
2           tionally.

3           ~~(B) LEVERAGING OF RESOURCES.—~~In  
4           awarding grants under this subsection, the Sec-  
5           retary shall also consider—

6                   (i) the extent to which local or private  
7                   resources will be made available to support  
8                   the activities carried out under this sub-  
9                   section, taking into account the resources  
10                  of the eligible entity and the entity's part-  
11                  ners; and

12                   (ii) the ability of an eligible entity to  
13                   continue to carry out and expand such ac-  
14                   tivities after the end of the grant.

15           ~~(C) DISTRIBUTION OF GRANTS.—~~In  
16           awarding grants under this subsection, the Sec-  
17           retary shall ensure an equitable distribution of  
18           such grants across diverse industries and geo-  
19           graphic areas.

20           ~~(6) USE OF FUNDS.—~~

21                   ~~(A) MANDATORY USES OF FUNDS.—~~An eli-  
22                   gible entity that receives a grant under this  
23                   subsection shall use the grant funds for all of  
24                   the following:

(i) The development of rigorous training and education programs leading to a recognized postsecondary credential and employment in the in-demand industry sector, including programs that are work-based and incorporate other earn-and-learn strategies. The community college that is a part of the eligible entity shall develop such programs, in collaboration with other partners identified in the application, and if applicable, other representatives of qualified industries.

(ii) Training adults, incumbent workers, dislocated workers, or out-of-school youth in the skills and competencies needed to obtain or upgrade employment in an in-demand industry sector identified in the eligible entity's application.

(B) ~~OPTIONAL USES OF FUNDS.~~—An eligible entity that receives a grant under this subsection may use the grant funds for—

(i) disseminating information on training available for in-demand occupations in in-demand industry sectors, including training available through the



grant through the one-stop delivery system to prospective participants, businesses, business intermediaries, and community-based organizations in the region;

(ii) referring individuals trained under the grant for employment in in-demand industry sectors;

(iii) enhancing the integration of community colleges, training and education with businesses, and the one-stop delivery system in the local area to meet the training needs of in-demand industry sectors for new and incumbent workers;

(iv) providing training and relevant job skills to small business owners or operators to facilitate small business development in in-demand industry sectors; or

(v) expanding or creating programs for distance, evening, weekend, modular, or compressed learning opportunities that provide training and relevant job skills for high-growth, in-demand occupations.

(7) ~~AUTHORITY TO REQUIRE NON-FEDERAL SHARE.~~—The Secretary may require that recipients of grants under this subsection provide a non-Fed-

1       eral share, from either cash or in-kind resources  
 2       (fairly evaluated), of the costs of activities carried  
 3       out under the grant.

4           (8) PERFORMANCE ACCOUNTABILITY AND  
 5       EVALUATION.—

6           (A) PERFORMANCE ACCOUNTABILITY.—

7       The Secretary shall require an eligible entity  
 8       that receives a grant under this subsection to  
 9       submit interim and final reports to the Sec-  
 10      retary on the performance outcomes for the  
 11      project, using the performance accountability  
 12      measures identified in the eligible entity's grant  
 13      application.

14          (B) EVALUATION.—The Secretary shall re-  
 15      quire that an eligible entity that receives a  
 16      grant under this subsection participate in an  
 17      evaluation of activities carried out under this  
 18      subsection, including an evaluation using the  
 19      techniques described in subsection (a)(3).

20          (g) CAREER PATHWAYS FOR NURSING CARE PRO-  
 21      VIDERS AND PROVIDERS OF EARLY EDUCATION AND  
 22      CHILD CARE.—The Secretary of Labor, in coordination  
 23      with the Secretary of Education and the Secretary of  
 24      Health and Human Services, may conduct projects that  
 25      focus on career advancement for nursing care providers

1 or providers of early education and child care, including  
 2 faculty education and distance education programs. The  
 3 Secretary shall prepare and disseminate to the public, in-  
 4 cluding through electronic means, reports containing the  
 5 results of the projects conducted, and recommendations on  
 6 how to replicate effective practices.

7 **SEC. 271. NATIONAL DISLOCATED WORKER GRANTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) EMERGENCY OR DISASTER.—The term  
 10 “emergency or disaster” means—

11 (A) an emergency or a major disaster, as  
 12 defined in paragraphs (1) and (2), respectively,  
 13 of section 102 of the Robert T. Stafford Dis-  
 14 aster Relief and Emergency Assistance Act (42  
 15 U.S.C. 5122 (1) and (2)); or

16 (B) an emergency or disaster situation of  
 17 national significance that could result in a po-  
 18 tentially large loss of employment, as declared  
 19 or otherwise recognized by the chief official of  
 20 a Federal agency with authority for or jurisdic-  
 21 tion over the Federal response to the emergency  
 22 or disaster situation.

23 (2) DISASTER AREA.—In this subsection, the  
 24 term “disaster area” means an area that has suf-

1       ferred or in which has occurred an emergency or dis-  
2       aster.

3       ~~(b) IN GENERAL.—~~

4               ~~(1) GRANTS.—~~The Secretary is authorized to  
5       award national dislocated worker grants—

6               ~~(A)~~ to an entity described in subsection  
7       ~~(c)(1)(B)~~ to provide employment and training  
8       assistance to workers affected by major eco-  
9       nomic dislocations, such as plant closures, mass  
10      layoffs, or closures and realignments of military  
11      installations;

12              ~~(B)~~ to provide assistance to—

13              ~~(i)~~ the Governor of any State within  
14      the boundaries of which is a disaster area,  
15      to provide disaster relief employment in  
16      the disaster area; or

17              ~~(ii)~~ the Governor of any State to  
18      which a substantial number of workers  
19      from an area in which an emergency or  
20      disaster has been declared or otherwise  
21      recognized have relocated;

22              ~~(C)~~ to provide additional assistance to a  
23      State board or local board for eligible dislocated  
24      workers in a case in which the State board or  
25      local board has expended the funds provided

under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers; in accordance with requirements prescribed by the Secretary; and

(D) to provide additional assistance to a State board or local board serving an area where—

(i) a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces; spouses described in section 101(14)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such activities; and

(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs.

(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after re-

1 receipt of the application. The Secretary shall issue a  
 2 notice of obligation for such grant not later than 10  
 3 days after the award of such grant.

4 (c) EMPLOYMENT AND TRAINING ASSISTANCE RE-  
 5 QUIREMENTS.—

6 (1) GRANT RECIPIENT ELIGIBILITY.—

7 (A) APPLICATION.—To be eligible to re-  
 8 ceive a grant under subsection (b)(1)(A), an en-  
 9 tity shall submit an application to the Secretary  
 10 at such time, in such manner, and containing  
 11 such information as the Secretary may require.

12 (B) ELIGIBLE ENTITY.—In this para-  
 13 graph, the term “entity” means a State, a local  
 14 board, an entity described in section 266(e), an  
 15 entity determined to be eligible by the Governor  
 16 of the State involved, and any other entity that  
 17 demonstrates to the Secretary the capability to  
 18 effectively respond to the circumstances relating  
 19 to particular dislocations.

20 (2) PARTICIPANT ELIGIBILITY.—

21 (A) IN GENERAL.—In order to be eligible  
 22 to receive employment and training assistance  
 23 under a national dislocated worker grant  
 24 awarded pursuant to subsection (b)(1)(A), an  
 25 individual shall be—

1 (i) a dislocated worker;

2 (ii) a civilian employee of the Depart-  
3 ment of Defense or the Department of En-  
4 ergy employed at a military installation  
5 that is being closed, or that will undergo  
6 realignment, within the next 24 months  
7 after the date of the determination of eligi-  
8 bility;

9 (iii) an individual who is employed in  
10 a nonmanagerial position with a Depart-  
11 ment of Defense contractor, who is deter-  
12 mined by the Secretary of Defense to be at  
13 risk of termination from employment as a  
14 result of reductions in defense expendi-  
15 tures, and whose employer is converting  
16 operations from defense to nondefense ap-  
17 plications in order to prevent worker lay-  
18 offs; or

19 (iv) a member of the Armed Forces  
20 who—

21 (I) was on active duty or full-  
22 time National Guard duty;

23 (II)(aa) is involuntarily separated  
24 (as defined in section 1141 of title 10;

1 United States Code) from active duty  
2 or full-time National Guard duty; or

3 (bb) is separated from active  
4 duty or full-time National Guard duty  
5 pursuant to a special separation bene-  
6 fits program under section 1174a of  
7 title 10, United States Code, or the  
8 voluntary separation incentive pro-  
9 gram under section 1175 of that title;

10 (III) is not entitled to retired or  
11 retained pay incident to the separa-  
12 tion described in subelause (II); and

13 (IV) applies for such employment  
14 and training assistance before the end  
15 of the 180-day period beginning on  
16 the date of that separation.

17 (B) RETRAINING ASSISTANCE.—The indi-  
18 viduals described in subparagraph (A)(iii) shall  
19 be eligible for retraining assistance to upgrade  
20 skills by obtaining marketable skills needed to  
21 support the conversion described in subpara-  
22 graph (A)(iii).

23 (C) ADDITIONAL REQUIREMENTS.—The  
24 Secretary shall establish and publish additional  
25 requirements related to eligibility for employ-



ment and training assistance under the national dislocated worker grants to ensure effective use of the funds available for this purpose.

(D) DEFINITIONS.—In this paragraph, the terms “military installation” and “realignment” have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note).

(d) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

(1) IN GENERAL.—Funds made available under subsection (b)(1)(B)—

(A) shall be used, in coordination with the Administrator of the Federal Emergency Management Agency, as applicable, to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area and in offshore areas related to the emergency or disaster;

1           ~~(B)~~ may be expended through public and  
2           private agencies and organizations engaged in  
3           such projects; and

4           ~~(C)~~ may be expended to provide employ-  
5           ment and training activities.

6           ~~(2) ELIGIBILITY.~~—An individual shall be eligi-  
7           ble to be offered disaster relief employment under  
8           subsection (b)(1)(B) if such individual—

9           ~~(A)~~ is a dislocated worker;

10          ~~(B)~~ is a long-term unemployed individual;

11          ~~(C)~~ is temporarily or permanently laid off  
12          as a consequence of the emergency or disaster;  
13          or

14          ~~(D)~~ in the case of an individual who is self-  
15          employed, becomes unemployed or significantly  
16          underemployed as a result of the emergency or  
17          disaster.

18          ~~(3) LIMITATIONS ON DISASTER RELIEF EM-~~  
19          ~~PLOYMENT.~~—

20          ~~(A) IN GENERAL.~~—Except as provided in  
21          subparagraph (B), no individual shall be em-  
22          ployed under subsection (b)(1)(B) for more  
23          than 12 months for work related to recovery  
24          from a single emergency or disaster.

1           (B) EXTENSION.—At the request of a  
2           State, the Secretary may extend such employ-  
3           ment, related to recovery from a single emer-  
4           gency or disaster involving the State, for not  
5           more than an additional 12 months.

6           (4) USE OF AVAILABLE FUNDS.—Funds made  
7           available under subsection (b)(1)(B) shall be avail-  
8           able to assist workers described in paragraph (2)  
9           who are affected by an emergency or disaster, in-  
10          cluding workers who have relocated from an area in  
11          which an emergency or disaster has been declared or  
12          otherwise recognized, as appropriate. Under condi-  
13          tions determined by the Secretary and following no-  
14          tification to the Secretary, a State may use such  
15          funds, that are appropriated for any fiscal year and  
16          available for expenditure under any grant awarded  
17          to the State under this section, to provide any as-  
18          sistance authorized under this subsection. Funds  
19          used pursuant to the authority provided under this  
20          paragraph shall be subject to the liability and reim-  
21          bursement requirements described in paragraph (5).

22          (5) LIABILITY AND REIMBURSEMENT.—Nothing  
23          in this Act shall be construed to relieve liability, by  
24          a responsible party that is liable under Federal law,  
25          for any costs incurred by the United States under

1 subsection (b)(1)(B) or this subsection, including the  
2 responsibility to provide reimbursement for such  
3 costs to the United States.

4 **SEC. 272. YOUTHBUILD PROGRAM.**

5 (a) STATEMENT OF PURPOSE.—The purposes of this  
6 section are—

7 (1) to enable disadvantaged youth to obtain the  
8 education and employment skills necessary to  
9 achieve economic self-sufficiency in occupations in  
10 demand and postsecondary education and training  
11 opportunities;

12 (2) to provide disadvantaged youth with oppor-  
13 tunities for meaningful work and service to their  
14 communities;

15 (3) to foster the development of employment  
16 and leadership skills and commitment to community  
17 development among youth in low-income commu-  
18 nities;

19 (4) to expand the supply of permanent afford-  
20 able housing for homeless individuals and low-in-  
21 come families by utilizing the energies and talents of  
22 disadvantaged youth; and

23 (5) to improve the quality and energy efficiency  
24 of community and other nonprofit and public facili-

1       ties, including those facilities that are used to serve  
2       homeless and low-income families.

3       (b) DEFINITIONS.—In this section:

4           (1) ADJUSTED INCOME.—The term “adjusted  
5       income” has the meaning given the term in section  
6       3(b) of the United States Housing Act of 1937 (42  
7       U.S.C. 1437a(b)).

8           (2) APPLICANT.—The term “applicant” means  
9       an eligible entity that has submitted an application  
10      under subsection (c).

11          (3) ELIGIBLE ENTITY.—The term “eligible enti-  
12      ty” means a public or private nonprofit agency or  
13      organization (including a consortium of such agen-  
14      cies or organizations), including—

15           (A) a community-based organization;

16           (B) a faith-based organization;

17           (C) an entity carrying out activities under  
18      this title, such as a local board;

19           (D) a community action agency;

20           (E) a State or local housing development  
21      agency;

22           (F) an Indian tribe or other agency pri-  
23      marily serving Indians;

24           (G) a community development corporation;

1           (H) a State or local youth service or con-  
 2           servation corps; and

3           (I) any other entity eligible to provide edu-  
 4           cation or employment training under a Federal  
 5           program (other than the program carried out  
 6           under this section).

7           (4) HOMELESS INDIVIDUAL.—The term “home-  
 8           less individual” means a homeless individual (as de-  
 9           fined in section 41403(6) of the Violence Against  
 10          Women Act of 1994 (42 U.S.C. 14043e-2(6)), ex-  
 11          cept that clauses (i)(IV) and (iii) of subparagraph  
 12          (B) of such section shall not apply) or a homeless  
 13          child or youth (as defined in section 725(2) of the  
 14          McKinney-Vento Homeless Assistance Act (42  
 15          U.S.C. 11434a(2)), except that subparagraph  
 16          (B)(iv) of such section shall not apply).

17          (5) HOUSING DEVELOPMENT AGENCY.—The  
 18          term “housing development agency” means any  
 19          agency of a State or local government, or any pri-  
 20          vate nonprofit organization, that is engaged in pro-  
 21          viding housing for homeless individuals or low-in-  
 22          come families.

23          (6) INCOME.—The term “income” has the  
 24          meaning given the term in section 3(b) of the United  
 25          States Housing Act of 1937 (42 U.S.C. 1437a(b)).

1           (7) INDIAN; INDIAN TRIBE.—The terms “In-  
 2       dian” and “Indian tribe” have the meanings given  
 3       such terms in section 4 of the Indian Self-Deter-  
 4       mination and Education Assistance Act (25 U.S.C.  
 5       450b).

6           (8) LOW-INCOME FAMILY.—The term “low-in-  
 7       come family” means a family described in section  
 8       3(b)(2) of the United States Housing Act of 1937  
 9       (42 U.S.C. 1437a(b)(2)).

10          (9) QUALIFIED NATIONAL NONPROFIT AGEN-  
 11       CY.—The term “qualified national nonprofit agency”  
 12       means a nonprofit agency that—

13               (A) has significant national experience pro-  
 14       viding services consisting of training, informa-  
 15       tion, technical assistance, and data manage-  
 16       ment to YouthBuild programs or similar  
 17       projects; and

18               (B) has the capacity to provide those serv-  
 19       ices.

20          (10) REGISTERED APPRENTICESHIP PRO-  
 21       GRAM.—The term “registered apprenticeship pro-  
 22       gram” means an apprenticeship program—

23               (A) registered under the Act of August 16,  
 24       1937 (commonly known as the “National Ap-

prenticeship Act”; 50 Stat. 664, chapter 662;  
29 U.S.C. 50 et seq.); and

(B) that meets such other criteria as may  
be established by the Secretary under this sec-  
tion.

(11) TRANSITIONAL HOUSING.—The term  
“transitional housing” has the meaning given the  
term in section 401(29) of the McKinney-Vento  
Homeless Assistance Act (42 U.S.C. 11360(29)).

(12) YOUTHBUILD PROGRAM.—The term  
“YouthBuild program” means any program that re-  
ceives assistance under this section and provides dis-  
advantaged youth with opportunities for employ-  
ment, education, leadership development, and train-  
ing through the rehabilitation, construction, or en-  
ergy efficiency enhancement of housing for homeless  
individuals and low-income families, and of public  
facilities.

(c) YOUTHBUILD GRANTS.—

(1) AMOUNTS OF GRANTS.—The Secretary is  
authorized to make grants to applicants for the pur-  
pose of carrying out YouthBuild programs approved  
under this section.

(2) ELIGIBLE ACTIVITIES.—An entity that re-  
ceives a grant under this subsection shall use the



1 funds made available through the grant to carry out  
2 a YouthBuild program, which may include the fol-  
3 lowing activities:

4 (A) Education and workforce investment  
5 activities including—

6 (i) work experience and skills training  
7 (coordinated, to the maximum extent fea-  
8 sible, with preapprenticeship and registered  
9 apprenticeship programs) in the rehabilita-  
10 tion, construction, or energy efficiency en-  
11 hancement activities described in subpara-  
12 graphs (B) and (C);

13 (ii) occupational skills training;

14 (iii) other paid and unpaid work expe-  
15 riences, including internships and job shad-  
16 owing;

17 (iv) services and activities designed to  
18 meet the educational needs of participants;  
19 including—

20 (I) basic skills instruction and re-  
21 medial education;

22 (II) language instruction edu-  
23 cational programs for participants  
24 who are English language learners;

1                   (III) secondary education services  
2                   and activities, including tutoring,  
3                   study skills training, and dropout pre-  
4                   vention activities, designed to lead to  
5                   the attainment of a secondary school  
6                   diploma or its recognized equivalent  
7                   (including recognized certificates of  
8                   attendance or similar documents for  
9                   individuals with disabilities);

10                  (IV) counseling and assistance in  
11                  obtaining postsecondary education  
12                  and required financial aid; and

13                  (V) alternative secondary school  
14                  services;

15                  (v) counseling services and related ac-  
16                  tivities, such as comprehensive guidance  
17                  and counseling on drug and alcohol abuse  
18                  and referral;

19                  (vi) activities designed to develop em-  
20                  ployment and leadership skills, which may  
21                  include community service and peer-cen-  
22                  tered activities encouraging responsibility  
23                  and other positive social behaviors, and ac-  
24                  tivities related to youth policy committees

1 that participate in decision-making related  
2 to the program;

3 (vii) supportive services and provision  
4 of need-based stipends necessary to enable  
5 individuals to participate in the program  
6 and to assist individuals, for a period not  
7 to exceed 12 months after the completion  
8 of training, in obtaining or retaining em-  
9 ployment, or applying for and transitioning  
10 to postsecondary education or training;  
11 and

12 (viii) job search and assistance.

13 (B) Supervision and training for partici-  
14 pants in the rehabilitation, construction, or en-  
15 ergy efficiency enhancement of housing, includ-  
16 ing residential housing for homeless individuals  
17 or low-income families, or transitional housing  
18 for homeless individuals.

19 (C) Supervision and training for partici-  
20 pants in the rehabilitation, construction, or en-  
21 ergy efficiency enhancement of community and  
22 other public facilities, except that not more  
23 than 15 percent of funds appropriated to carry  
24 out this section may be used for such super-  
25 vision and training.

1           ~~(D) Payment of administrative costs of the~~  
 2           ~~applicant, including recruitment and selection~~  
 3           ~~of participants, except that not more than 15~~  
 4           ~~percent of the amount of assistance provided~~  
 5           ~~under this subsection to the grant recipient may~~  
 6           ~~be used for such costs.~~

7           ~~(E) Adult mentoring.~~

8           ~~(F) Provision of wages, stipends, or bene-~~  
 9           ~~fits to participants in the program.~~

10          ~~(G) Ongoing training and technical assist-~~  
 11          ~~ance that are related to developing and carrying~~  
 12          ~~out the program.~~

13          ~~(H) Follow-up services.~~

14          ~~(3) APPLICATION.—~~

15           ~~(A) FORM AND PROCEDURE.—To be quali-~~  
 16           ~~fied to receive a grant under this subsection, an~~  
 17           ~~eligible entity shall submit an application at~~  
 18           ~~such time, in such manner, and containing such~~  
 19           ~~information as the Secretary may require.~~

20           ~~(B) MINIMUM REQUIREMENTS.—The Sec-~~  
 21           ~~retary shall require that the application contain,~~  
 22           ~~at a minimum—~~

23           ~~(i) labor market information for the~~  
 24           ~~labor market area where the proposed pro-~~  
 25           ~~gram will be implemented, including both~~

1 current data (as of the date of submission  
2 of the application) and projections on ca-  
3 reer opportunities in construction and  
4 growing industries;

5 (ii) a request for the grant, specifying  
6 the amount of the grant requested and its  
7 proposed uses;

8 (iii) a description of the applicant and  
9 a statement of its qualifications, including  
10 a description of the applicant's relationship  
11 with local boards, one-stop operators, local  
12 unions, entities carrying out registered ap-  
13 prenticeship programs, other community  
14 groups, and employers, and the applicant's  
15 past experience, if any, with rehabilitation,  
16 construction, or energy efficiency enhance-  
17 ment of housing or public facilities, and  
18 with youth education and employment  
19 training programs;

20 (iv) a description of the proposed site  
21 for the proposed program;

22 (v) a description of the educational  
23 and job training activities, work opportuni-  
24 ties, postsecondary education and training  
25 opportunities, and other services that will

1 be provided to participants, and how those  
2 activities, opportunities, and services will  
3 prepare youth for employment in occupa-  
4 tions in demand in the labor market area  
5 described in clause (i);

6 (vi) a description of the proposed re-  
7 habilitation, construction, or energy effi-  
8 ciency enhancement activities to be under-  
9 taken under the grant and the anticipated  
10 schedule for carrying out such activities;

11 (vii) a description of the manner in  
12 which eligible youth will be recruited and  
13 selected as participants, including a de-  
14 scription of arrangements that will be  
15 made with local boards, one-stop operators,  
16 community- and faith-based organizations,  
17 State educational agencies or local edu-  
18 cational agencies (including agencies of In-  
19 dian tribes), public assistance agencies, the  
20 courts of jurisdiction, agencies operating  
21 shelters for homeless individuals and other  
22 agencies that serve youth who are homeless  
23 individuals, foster care agencies, and other  
24 appropriate public and private agencies;

1           (viii) a description of the special out-  
2 reach efforts that will be undertaken to re-  
3 cruit eligible young women (including  
4 young women with dependent children) as  
5 participants;

6           (ix) a description of the specific role  
7 of employers in the proposed program;  
8 such as their role in developing the pro-  
9 posed program and assisting in service pro-  
10 vision and in placement activities;

11          (x) a description of how the proposed  
12 program will be coordinated with other  
13 Federal, State, and local activities and ac-  
14 tivities conducted by Indian tribes, such as  
15 local workforce investment activities, career  
16 and technical education and training pro-  
17 grams, adult and language instruction edu-  
18 cational programs, activities conducted by  
19 public schools, activities conducted by com-  
20 munity colleges, national service programs,  
21 and other job training provided with funds  
22 available under this title;

23          (xi) assurances that there will be a  
24 sufficient number of adequately trained su-

1           pervisory personnel in the proposed pro-  
2           gram;

3           (xii) a description of levels to be  
4           achieved with respect to the primary indi-  
5           cators of performance for eligible youth de-  
6           scribed in section 131(b)(2)(A)(ii);

7           (xiii) a description of the applicant's  
8           relationship with local building trade  
9           unions regarding their involvement in  
10          training to be provided through the pro-  
11          posed program; the relationship of the pro-  
12          posed program to established registered  
13          apprenticeship programs and employers;  
14          the ability of the applicant to grant an in-  
15          dustry-recognized certificate or certifi-  
16          cation through the program; and the qual-  
17          ity of the program leading to the certifi-  
18          cate or certification;

19          (xiv) a description of activities that  
20          will be undertaken to develop the leader-  
21          ship skills of participants;

22          (xv) a detailed budget and a descrip-  
23          tion of the system of fiscal controls; and  
24          auditing and accountability procedures;



1 that will be used to ensure fiscal soundness  
2 for the proposed program;

3 (xvi) a description of the commit-  
4 ments for any additional resources (in ad-  
5 dition to the funds made available through  
6 the grant) to be made available to the pro-  
7 posed program from—

8 (I) the applicant;

9 (II) recipients of other Federal,  
10 State or local housing and community  
11 development assistance that will spon-  
12 sor any part of the rehabilitation, con-  
13 struction, energy efficiency enhance-  
14 ment, operation and maintenance, or  
15 other housing and community develop-  
16 ment activities undertaken as part of  
17 the proposed program; or

18 (III) entities carrying out other  
19 Federal, State, or local activities or  
20 activities conducted by Indian tribes,  
21 including career and technical edu-  
22 cation and training programs, adult  
23 and language instruction educational  
24 programs, and job training provided  
25 with funds available under this title;

1           ~~(xvii) information identifying, and a~~  
2           ~~description of, the financing proposed for~~  
3           ~~any—~~

4                     ~~(I) rehabilitation or energy effi-~~  
5                     ~~cient enhancement of the property in-~~  
6                     ~~volved;~~

7                     ~~(II) acquisition of the property;~~  
8                     ~~or~~

9                     ~~(III) construction of the prop-~~  
10                    ~~erty;~~

11           ~~(xviii) information identifying, and a~~  
12           ~~description of, the entity that will operate~~  
13           ~~and manage the property;~~

14           ~~(xix) information identifying, and a~~  
15           ~~description of, the data collection systems~~  
16           ~~to be used;~~

17           ~~(xx) a certification, by a public official~~  
18           ~~responsible for the housing strategy for the~~  
19           ~~State or unit of general local government~~  
20           ~~within which the proposed program is lo-~~  
21           ~~cated, that the proposed program is con-~~  
22           ~~sistent with the housing strategy; and~~

23           ~~(xxi) a certification that the applicant~~  
24           ~~will comply with the requirements of the~~

1 Fair Housing Act (42 U.S.C. 3601 et seq.)  
2 and will affirmatively further fair housing.

3 (4) ~~SELECTION CRITERIA.~~—For an applicant to  
4 be eligible to receive a grant under this subsection;  
5 the applicant and the applicant's proposed program  
6 shall meet such selection criteria as the Secretary  
7 shall establish under this section; which shall include  
8 criteria relating to—

9 (A) the qualifications or potential capabili-  
10 ties of an applicant;

11 (B) an applicant's potential for developing  
12 a successful YouthBuild program;

13 (C) the need for an applicant's proposed  
14 program, as determined by the degree of eco-  
15 nomic distress of the community from which  
16 participants would be recruited (measured by  
17 indicators such as poverty, youth unemploy-  
18 ment, and the number of individuals who have  
19 dropped out of secondary school) and of the  
20 community in which the housing and commu-  
21 nity and public facilities proposed to be reha-  
22 bilitated, constructed, or provided energy effi-  
23 ciency enhancements is located (measured by  
24 indicators such as incidence of homelessness,  
25 shortage of affordable housing, and poverty);

1           ~~(D)~~ the commitment of an applicant to  
2           providing skills training, leadership develop-  
3           ment, and education to participants;

4           ~~(E)~~ the focus of a proposed program on  
5           preparing youth for occupations in demand or  
6           postsecondary education and training opportu-  
7           nities;

8           ~~(F)~~ the extent of an applicant's coordina-  
9           tion of activities to be carried out through the  
10          proposed program with local boards, one-stop  
11          operators, and one-stop partners participating  
12          in the operation of the one-stop delivery system  
13          involved, or the extent of the applicant's good  
14          faith efforts in achieving such coordination;

15          ~~(G)~~ the extent of the applicant's coordina-  
16          tion of activities with public education, criminal  
17          justice, housing and community development,  
18          national service, or postsecondary education or  
19          other systems that relate to the goals of the  
20          proposed program;

21          ~~(H)~~ the extent of an applicant's coordina-  
22          tion of activities with employers in the local  
23          area involved;

24          ~~(I)~~ the extent to which a proposed program  
25          provides for inclusion of tenants who were pre-

1           viously homeless individuals in the rental hous-  
2           ing provided through the program;

3           ~~(J)~~ the commitment of additional resources  
4           (in addition to the funds made available  
5           through the grant) to a proposed program by—

6                 (i) an applicant;

7                 (ii) recipients of other Federal, State,  
8           or local housing and community develop-  
9           ment assistance who will sponsor any part  
10          of the rehabilitation, construction, energy  
11          efficiency enhancement, operation and  
12          maintenance, or other housing and commu-  
13          nity development activities undertaken as  
14          part of the proposed program; or

15                (iii) entities carrying out other Fed-  
16          eral, State, or local activities or activities  
17          conducted by Indian tribes, including ea-  
18          reer and technical education and training  
19          programs, adult and language instruction  
20          educational programs, and job training  
21          provided with funds available under this  
22          title;

23           ~~(K)~~ the applicant's potential to serve dif-  
24          ferent regions, including rural areas and States

1           that have not previously received grants for  
2           YouthBuild programs; and

3           ~~(L)~~ such other factors as the Secretary de-  
4           termines to be appropriate for purposes of ear-  
5           rying out the proposed program in an effective  
6           and efficient manner.

7           ~~(5) APPROVAL.~~—To the extent practicable, the  
8           Secretary shall notify each applicant, not later than  
9           5 months after the date of receipt of the application  
10          by the Secretary, whether the application is ap-  
11          proved or not approved.

12          ~~(d) USE OF HOUSING UNITS.~~—Residential housing  
13          units rehabilitated, constructed, or provided energy effi-  
14          ciency improvements using funds made available under  
15          subsection (c), shall be available solely—

16                ~~(1)~~ for rental by, or sale to, homeless individ-  
17                uals or low-income families; or

18                ~~(2)~~ for use as transitional or permanent hous-  
19                ing; for the purpose of assisting in the movement of  
20                homeless individuals to independent living.

21          ~~(c) ADDITIONAL PROGRAM REQUIREMENTS.~~—

22                ~~(1) ELIGIBLE PARTICIPANTS.~~—

23                   ~~(A) IN GENERAL.~~—Except as provided in  
24                   subparagraph (B), an individual may partici-

1           pate in a YouthBuild program only if such indi-  
2           vidual is—

3                   (i) not less than age 16 and not more  
4                   than age 24, on the date of enrollment;

5                   (ii) a member of a low-income family,  
6                   a youth in foster care (including youth  
7                   aging out of foster care), a youth offender,  
8                   a youth who is an individual with a dis-  
9                   ability, a child of incarcerated parents, or  
10                  a migrant youth; and

11                  (iii) a school dropout, or an individual  
12                  who was a school dropout and has subse-  
13                  quently reenrolled.

14           (B) EXCEPTION FOR INDIVIDUALS NOT  
15           MEETING INCOME OR EDUCATIONAL NEED RE-  
16           QUIREMENTS.—Not more than 25 percent of  
17           the participants in such program may be indi-  
18           viduals who do not meet the requirements of  
19           clause (ii) or (iii) of subparagraph (A), but  
20           who—

21                   (i) are basic skills deficient, despite  
22                   attainment of a secondary school diploma  
23                   or its recognized equivalent (including rec-  
24                   ognized certificates of attendance or simi-

lar documents for individuals with disabilities); or

(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

(2) PARTICIPATION LIMITATION.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

(3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—

(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

(B) work and skill development activities such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at



1           least 40 percent of the time during which the  
2           participants participate in the program.

3           ~~(4) AUTHORITY RESTRICTION.—No provision of~~  
4           this section may be construed to authorize any agen-  
5           cy, officer, or employee of the United States to exer-  
6           cise any direction, supervision, or control over the  
7           curriculum, program of instruction, administration,  
8           or personnel of any educational institution (including  
9           a school) or school system, or over the selection of  
10          library resources, textbooks, or other printed or pub-  
11          lished instructional materials by any educational in-  
12          stitution or school system.

13          ~~(5) STATE AND LOCAL STANDARDS.—All edu-~~  
14          cational programs and activities supported with  
15          funds provided under subsection (c) shall be con-  
16          sistent with applicable State and local educational  
17          standards. Standards and procedures for the pro-  
18          grams and activities that relate to awarding aca-  
19          demic credit for and certifying educational attain-  
20          ment in such programs and activities shall be con-  
21          sistent with applicable State and local educational  
22          standards.

23          ~~(f) LEVELS OF PERFORMANCE AND INDICATORS.—~~

24                 ~~(1) IN GENERAL.—The Secretary shall annually~~  
25                 establish expected levels of performance for

1 YouthBuild programs relating to each of the pri-  
 2 mary indicators of performance for eligible youth ac-  
 3 tivities described in section 131(b)(2)(A)(ii).

4 (2) ADDITIONAL INDICATORS.—The Secretary  
 5 may establish expected levels of performance for ad-  
 6 ditional indicators for YouthBuild programs, as the  
 7 Secretary determines appropriate.

8 (g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

9 (1) SECRETARY ASSISTANCE.—The Secretary  
 10 may enter into contracts with 1 or more entities to  
 11 provide assistance to the Secretary in the manage-  
 12 ment, supervision, and coordination of the program  
 13 carried out under this section.

14 (2) TECHNICAL ASSISTANCE.—

15 (A) CONTRACTS AND GRANTS.—The See-  
 16 retary shall enter into contracts with or make  
 17 grants to 1 or more qualified national nonprofit  
 18 agencies, in order to provide training, informa-  
 19 tion, technical assistance, and data manage-  
 20 ment to recipients of grants under subsection  
 21 (e) or to support pilot and demonstration  
 22 projects or program evaluations with recipients  
 23 of grants under subsection (e) as directed by  
 24 the Secretary.

1           ~~(B) RESERVATION OF FUNDS.—~~Of the  
 2           amounts available under subsection (i) to carry  
 3           out this section for a fiscal year, the Secretary  
 4           shall reserve ~~5~~ percent to carry out subpara-  
 5           graph ~~(A)~~.

6           ~~(3) CAPACITY BUILDING GRANTS.—~~

7           ~~(A) IN GENERAL.—~~In each fiscal year, the  
 8           Secretary may use not more than ~~3~~ percent of  
 9           the amounts available under subsection (i) to  
 10          award grants to ~~1~~ or more qualified national  
 11          nonprofit agencies to pay for the Federal share  
 12          of the cost of capacity building activities.

13          ~~(B) FEDERAL SHARE.—~~The Federal share  
 14          of the cost described in subparagraph ~~(A)~~ shall  
 15          be ~~25~~ percent. The non-Federal share shall be  
 16          provided from private sources.

17          ~~(h) SUBGRANTS AND CONTRACTS.—~~Each recipient of  
 18          a grant under subsection ~~(e)~~ to carry out a YouthBuild  
 19          program shall provide the services and activities described  
 20          in this section directly or through subgrants, contracts,  
 21          or other arrangements with local educational agencies, in-  
 22          stitutions of higher education, State or local housing devel-  
 23          opment agencies, other public agencies, including agencies  
 24          of Indian tribes, or private organizations.

1       (i) ~~AUTHORIZATION OF APPROPRIATIONS.—~~There  
 2 are authorized to be appropriated for each of fiscal years  
 3 2014 through 2018 such sums as may be necessary to  
 4 carry out this section.

5 **SEC. 274. AUTHORIZATION OF APPROPRIATIONS.**

6       (a) ~~NATIVE AMERICAN PROGRAMS; MIGRANT AND~~  
 7 ~~SEASONAL FARMWORKER PROGRAMS; VETERANS' WORK-~~  
 8 ~~FORCE INVESTMENT PROGRAMS.—~~

9               (1) ~~IN GENERAL.—~~Subject to paragraph (2),  
 10 there are authorized to be appropriated to carry out  
 11 sections 266 through 268 such sums as may be nec-  
 12 essary for each of the fiscal years 2014 through  
 13 2018.

14               (2) ~~RESERVATIONS.—~~Of the amount appro-  
 15 priated pursuant to the authorization of appropria-  
 16 tions under paragraph (1) for a fiscal year, the Sec-  
 17 retary shall—

18                       (A) ~~reserve not less than \$55,000,000 for~~  
 19                       ~~carrying out section 266;~~

20                       (B) ~~reserve not less than \$70,000,000 for~~  
 21                       ~~carrying out section 267; and~~

22                       (C) ~~reserve not less than \$7,300,000 for~~  
 23                       ~~carrying out section 268.~~

24       (b) ~~TECHNICAL ASSISTANCE; EVALUATIONS AND RE-~~  
 25 ~~SEARCH.—~~There are authorized to be appropriated to

1 carry out sections 269 and 270 such sums as may be nec-  
 2 essary for each of the fiscal years 2014 through 2018.

3 ~~(c) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of~~  
 4 ~~the date of enactment of this Act, any unobligated funds~~  
 5 ~~appropriated to carry out subsections (f) and (g) of section~~  
 6 ~~173 of the Workforce Investment Act of 1998 (29 U.S.C.~~  
 7 ~~2918), as in effect on the day before the date of enactment~~  
 8 ~~of this Act, remain available, the Secretary of Labor shall~~  
 9 ~~continue to use such funds to carry out such subsections~~  
 10 ~~until all of such funds are expended.~~

## 11 **Subtitle E—Administration**

### 12 **SEC. 281. REQUIREMENTS AND RESTRICTIONS.**

13 ~~(a) BENEFITS.—~~

14 ~~(1) WAGES.—~~

15 ~~(A) IN GENERAL.—Individuals in on-the-~~  
 16 ~~job training or individuals employed in activities~~  
 17 ~~under this title or subtitle C of title I shall be~~  
 18 ~~compensated at the same rates, including peri-~~  
 19 ~~odic increases, as trainees or employees who are~~  
 20 ~~similarly situated in similar occupations by the~~  
 21 ~~same employer and who have similar training,~~  
 22 ~~experience, and skills, and such rates shall be in~~  
 23 ~~accordance with applicable law, but in no event~~  
 24 ~~less than the higher of the rate specified in sec-~~  
 25 ~~tion 6(a)(1) of the Fair Labor Standards Act of~~

1           1938 (29 U.S.C. 206(a)(1)) or the applicable  
2           State or local minimum wage law.

3           (B) RULE OF CONSTRUCTION.—The ref-  
4           erence in subparagraph (A) to section 6(a)(1)  
5           of the Fair Labor Standards Act of 1938 (29  
6           U.S.C. 206(a)(1)) shall not be applicable for in-  
7           dividuals in territorial jurisdictions in which  
8           section 6 of the Fair Labor Standards Act of  
9           1938 (29 U.S.C. 206) does not apply.

10          (2) TREATMENT OF ALLOWANCES, EARNINGS,  
11          AND PAYMENTS.—Allowances, earnings, and pay-  
12          ments to individuals participating in programs under  
13          this title or subtitle C of title I shall not be consid-  
14          ered as income for the purposes of determining eligi-  
15          bility for and the amount of income transfer and in-  
16          kind aid furnished under any Federal or federally  
17          assisted program based on need, other than as pro-  
18          vided under the Social Security Act (42 U.S.C. 301  
19          et seq.).

20          (b) LABOR STANDARDS.—

21          (1) LIMITATIONS ON ACTIVITIES THAT IMPACT  
22          WAGES OF EMPLOYEES.—No funds provided under  
23          this title or subtitle C of title I shall be used to pay  
24          the wages of incumbent employees during their par-  
25          ticipation in economic development activities pro-

1 vided through a statewide workforce development  
2 system.

3 ~~(2) DISPLACEMENT.—~~

4 ~~(A) PROHIBITION.—~~A participant in a pro-  
5 gram or activity authorized under this title or  
6 subtitle C of title I (referred to in this section  
7 as a “specified activity”) shall not displace (in-  
8 cluding a partial displacement, such as a reduc-  
9 tion in the hours of nonovertime work, wages,  
10 or employment benefits) any currently employed  
11 employee (as of the date of the participation).

12 ~~(B) PROHIBITION ON IMPAIRMENT OF~~  
13 ~~CONTRACTS.—~~A specified activity shall not im-  
14 pair an existing contract for services or collec-  
15 tive bargaining agreement, and no such activity  
16 that would be inconsistent with the terms of a  
17 collective bargaining agreement shall be under-  
18 taken without the written concurrence of the  
19 labor organization and employer concerned.

20 ~~(3) OTHER PROHIBITIONS.—~~A participant in a  
21 specified activity shall not be employed in a job if—

22 ~~(A)~~ any other individual is on layoff from  
23 the same or any substantially equivalent job;

24 ~~(B)~~ the employer has terminated the em-  
25 ployment of any regular employee or otherwise

1 reduced the workforce of the employer with the  
2 intention of filling the vacancy so created with  
3 the participant; or

4 (C) the job is created in a promotional line  
5 that will infringe in any way upon the pro-  
6 motional opportunities of currently employed in-  
7 dividuals (as of the date of the participation).

8 (4) HEALTH AND SAFETY.—Health and safety  
9 standards established under Federal and State law  
10 otherwise applicable to working conditions of em-  
11 ployees shall be equally applicable to working condi-  
12 tions of participants engaged in specified activities.  
13 To the extent that a State workers' compensation  
14 law applies, workers' compensation shall be provided  
15 to participants on the same basis as the compensa-  
16 tion is provided to other individuals in the State in  
17 similar employment.

18 (5) EMPLOYMENT CONDITIONS.—Individuals in  
19 on-the-job training or individuals employed in pro-  
20 grams and activities under this title or subtitle C of  
21 title I shall be provided benefits and working condi-  
22 tions at the same level and to the same extent as  
23 other trainees or employees working a similar length  
24 of time and doing the same type of work.



1           (6) OPPORTUNITY TO SUBMIT COMMENTS.—In-  
2       terested members of the public, including represent-  
3       atives of businesses and of labor organizations, shall  
4       be provided an opportunity to submit comments to  
5       the Secretary with respect to programs and activities  
6       proposed to be funded under subtitle B.

7           (7) NO IMPACT ON UNION ORGANIZING.—Each  
8       recipient of funds under this title or subtitle C of  
9       title I shall provide to the Secretary assurances that  
10      none of such funds will be used to assist, promote,  
11      or deter union organizing.

12      (c) GRIEVANCE PROCEDURE.—

13           (1) IN GENERAL.—Each State and local area  
14      receiving an allotment or allocation under this title  
15      or a grant under subtitle C of title I shall establish  
16      and maintain a procedure for grievances or com-  
17      plaints alleging violations of the requirements of this  
18      title or subtitle C of title I from participants and  
19      other interested or affected parties. Such procedure  
20      shall include an opportunity for a hearing and be  
21      completed within 60 days after the filing of the  
22      grievance or complaint.

23           (2) INVESTIGATION.—

1           (A) IN GENERAL.—The Secretary shall in-  
 2           vestigate an allegation of a violation described  
 3           in paragraph (1) if—

4                   (i) a decision relating to such violation  
 5                   has not been reached within 60 days after  
 6                   the date of the filing of the grievance or  
 7                   complaint and either party appeals to the  
 8                   Secretary; or

9                   (ii) a decision relating to such viola-  
 10                  tion has been reached within such 60 days  
 11                  and the party to which such decision is ad-  
 12                  verse appeals such decision to the Sec-  
 13                  retary.

14          (B) ADDITIONAL REQUIREMENT.—The  
 15          Secretary shall make a final determination re-  
 16          lating to an appeal made under subparagraph  
 17          (A) no later than 120 days after receiving such  
 18          appeal.

19          (3) REMEDIES.—Remedies that may be im-  
 20          posed under this section for a violation of any re-  
 21          quirement of this title or subtitle C of title I shall  
 22          be limited—

23                   (A) to suspension or termination of pay-  
 24                   ments under this title or subtitle C of title I;

1           ~~(B)~~ to prohibition of placement of a partic-  
 2           ipant with an employer that has violated any  
 3           requirement under this title or subtitle C of  
 4           title I;

5           ~~(C)~~ where applicable, to reinstatement of  
 6           an employee; payment of lost wages and bene-  
 7           fits; and reestablishment of other relevant  
 8           terms, conditions, and privileges of employment;  
 9           and

10          ~~(D)~~ where appropriate, to other equitable  
 11          relief.

12          ~~(4) RULE OF CONSTRUCTION.~~—Nothing in  
 13          paragraph ~~(3)~~ shall be construed to prohibit a griev-  
 14          ant or complainant from pursuing a remedy author-  
 15          ized under another Federal, State, or local law for  
 16          a violation of this title or subtitle C of title I.

17          ~~(d) RELOCATION.~~—

18          ~~(1) PROHIBITION ON USE OF FUNDS TO EN-~~  
 19          ~~COURAGE OR INDUCE RELOCATION.~~—No funds pro-  
 20          vided under this title or subtitle C of title I shall be  
 21          used, or proposed for use, to encourage or induce  
 22          the relocation of a business or part of a business if  
 23          such relocation would result in a loss of employment  
 24          for any employee of such business at the original lo-

1 eation and such original location is within the  
2 United States.

3 ~~(2) PROHIBITION ON USE OF FUNDS AFTER RE-~~  
4 ~~LOCATION.—~~No funds provided under this title or  
5 subtitle C of title I for an employment or training  
6 activity shall be used for customized or skill train-  
7 ing, on-the-job training, incumbent worker training,  
8 transitional employment, or company-specific assess-  
9 ments of job applicants or employees, for any busi-  
10 ness or part of a business that has relocated, until  
11 the date that is 120 days after the date on which  
12 such business commences operations at the new loca-  
13 tion, if the relocation of such business or part of a  
14 business results in a loss of employment for any em-  
15 ployee of such business at the original location and  
16 such original location is within the United States.

17 ~~(3) REPAYMENT.—~~If the Secretary determines  
18 that a violation of paragraph (1) or (2) has oc-  
19 curred, the Secretary shall require the State that  
20 has violated such paragraph (or that has provided  
21 funding to an entity that has violated such para-  
22 graph) to repay to the United States an amount  
23 equal to the amount expended in violation of such  
24 paragraph.

1       (e) LIMITATION ON USE OF FUNDS.—No funds avail-  
 2 able to carry out an activity under this title or subtitle  
 3 C of title I shall be used for employment generating activi-  
 4 ties; investment in revolving loan funds; capitalization of  
 5 businesses; investment in contract bidding resource cen-  
 6 ters; economic development activities; or similar activities;  
 7 that are not directly related to training for eligible individ-  
 8 uals under this title or subtitle C of title I. No funds re-  
 9 ceived to carry out an activity under subtitle B of this  
 10 title or under subtitle C of title I shall be used for foreign  
 11 travel.

12       (f) TESTING AND SANCTIONING FOR USE OF CON-  
 13 TROLLED SUBSTANCES.—

14           (1) IN GENERAL.—Notwithstanding any other  
 15 provision of law, a State shall not be prohibited by  
 16 the Federal Government from—

17                   (A) testing participants in programs under  
 18 subtitle B of this title or under subtitle C of  
 19 title I for the use of controlled substances; and

20                   (B) sanctioning such participants who test  
 21 positive for the use of such controlled sub-  
 22 stances.

23       (2) ADDITIONAL REQUIREMENTS.—

24           (A) PERIOD OF SANCTION.—In sanctioning  
 25 participants in a program under subtitle B of

1           this title or under subtitle C of title I who test  
2           positive for the use of controlled substances—

3                   (i) with respect to the first occurrence  
4                   for which a participant tests positive; a  
5                   State may exclude the participant from the  
6                   program for a period not to exceed 6  
7                   months; and

8                   (ii) with respect to the second occur-  
9                   rence and each subsequent occurrence for  
10                  which a participant tests positive; a State  
11                  may exclude the participant from the pro-  
12                  gram for a period not to exceed 2 years.

13           (B) APPEAL.—The testing of participants  
14           and the imposition of sanctions under this sub-  
15           section shall be subject to expeditious appeal in  
16           accordance with due process procedures estab-  
17           lished by the State.

18           (C) PRIVACY.—A State shall establish pro-  
19           cedures for testing participants for the use of  
20           controlled substances that ensure a maximum  
21           degree of privacy for the participants.

22           (3) FUNDING REQUIREMENT.—In testing and  
23           sanctioning of participants for the use of controlled  
24           substances in accordance with this subsection, the  
25           only Federal funds that a State may use are the

1 amounts made available for the administration of  
 2 statewide workforce investment activities under sec-  
 3 tion ~~234(a)(3)(B)~~.

4 ~~(g) SUBGRANT AUTHORITY.~~—A recipient of grant  
 5 funds under this title shall have the authority to enter into  
 6 subgrants in order to carry out the grant, subject to such  
 7 conditions as the Secretary may establish.

8 **SEC. 282. PROMPT ALLOCATION OF FUNDS.**

9 ~~(a) ALLOTMENTS BASED ON LATEST AVAILABLE~~  
 10 ~~DATA.~~—All allotments to States and grants to outlying  
 11 areas under this title shall be based on the latest available  
 12 data and estimates satisfactory to the Secretary. All data  
 13 relating to disadvantaged adults and disadvantaged youth  
 14 shall be based on the most recent satisfactory data from  
 15 the Bureau of the Census.

16 ~~(b) PUBLICATION IN FEDERAL REGISTER RELATING~~  
 17 ~~TO FORMULA FUNDS.~~—Whenever the Secretary allots  
 18 funds required to be allotted under this title, the Secretary  
 19 shall publish in a timely fashion in the Federal Register  
 20 the amount proposed to be distributed to each recipient  
 21 of the funds.

22 ~~(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY~~  
 23 ~~FORMULA.~~—All funds required to be allotted under sec-  
 24 tion ~~227~~ or ~~232~~ shall be allotted within 45 days after the  
 25 date of enactment of the Act appropriating the funds, ex-

cept that, if such funds are appropriated in advance as authorized by section 289(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.

(d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.—Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish for comment in the Federal Register the formula, the rationale for the formula, and the proposed amounts to be distributed to each State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) AVAILABILITY OF FUNDS.—Funds shall be made available under section 228, and funds shall be made available under section 232, for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 227 or 232 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.



1 **SEC. 283. MONITORING.**

2 (a) **IN GENERAL.**—The Secretary is authorized to  
3 monitor all recipients of financial assistance under this  
4 title to determine whether the recipients are complying  
5 with the provisions of this title and subtitles A and B of  
6 title I, including the regulations issued under this title and  
7 such subtitles.

8 (b) **INVESTIGATIONS.**—The Secretary may inves-  
9 tigate any matter the Secretary determines to be necessary  
10 to determine the compliance of the recipients with this  
11 title and subtitles A and B of title I, including the regula-  
12 tions issued under this title and such subtitles. The inves-  
13 tigations authorized by this subsection may include exam-  
14 ining records (including making certified copies of the  
15 records), questioning employees, and entering any prem-  
16 ises or onto any site in which any part of a program or  
17 activity of such a recipient is conducted or in which any  
18 of the records of the recipient are kept.

19 (c) **ADDITIONAL REQUIREMENT.**—For the purpose of  
20 any investigation or hearing conducted under this title by  
21 the Secretary, the provisions of section 9 of the Federal  
22 Trade Commission Act (15 U.S.C. 49) (relating to the at-  
23 tendance of witnesses and the production of documents)  
24 apply to the Secretary, in the same manner and to the  
25 same extent as the provisions apply to the Federal Trade  
26 Commission.

1 **SEC. 284. FISCAL CONTROLS; SANCTIONS.**

2       (a) ESTABLISHMENT OF FISCAL CONTROLS BY  
3 STATES.—

4           (1) IN GENERAL.—Each State shall establish  
5 such fiscal control and fund accounting procedures  
6 as may be necessary to assure the proper disbursement  
7 of, and accounting for, Federal funds allocated to  
8 local areas under subtitle B. Such procedures shall  
9 ensure that all financial transactions carried out  
10 under subtitle B are conducted and records main-  
11 tained in accordance with generally accepted ac-  
12 counting principles applicable in each State.

13           (2) COST PRINCIPLES.—

14           (A) IN GENERAL.—Each State (including  
15 the Governor of the State), local area (including  
16 the chief elected official for the area), and pro-  
17 vider receiving funds under this title shall com-  
18 ply with the applicable uniform cost principles  
19 included in appropriate circulars or rules of the  
20 Office of Management and Budget for the type  
21 of entity receiving the funds.

22           (B) EXCEPTION.—The funds made avail-  
23 able to a State for administration of statewide  
24 workforce investment activities in accordance  
25 with section 234(a)(3)(B) shall be allocable to  
26 the overall administration of workforce invest-

ment activities, but need not be specifically allocable to—

(i) the administration of adult employment and training activities;

(ii) the administration of dislocated worker employment and training activities;

or

(iii) administration of youth workforce investment activities.

~~(3)~~ UNIFORM ADMINISTRATIVE REQUIREMENTS.—

~~(A)~~ IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

~~(B)~~ ADDITIONAL REQUIREMENT.—Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.

1           (4) MONITORING.—Each Governor of a State  
2           shall conduct on an annual basis onsite monitoring  
3           of each local area within the State to ensure compli-  
4           ance with the uniform administrative requirements  
5           referred to in paragraph (3).

6           (5) ACTION BY GOVERNOR.—If the Governor  
7           determines that a local area is not in compliance  
8           with the uniform administrative requirements re-  
9           ferred to in paragraph (3), the Governor shall—

10                (A) require corrective action to secure  
11                prompt compliance with the requirements; and

12                (B) impose the sanctions provided under  
13                subsection (b) in the event of failure to take the  
14                required corrective action.

15           (6) CERTIFICATION.—The Governor shall, every  
16           2 years, certify to the Secretary that—

17                (A) the State has implemented the uniform  
18                administrative requirements referred to in para-  
19                graph (3);

20                (B) the State has monitored local areas to  
21                ensure compliance with the uniform administra-  
22                tive requirements as required under paragraph  
23                (4); and

1           (C) the State has taken appropriate action  
 2           to secure compliance with the requirements pur-  
 3           suant to paragraph (5).

4           (7) ACTION BY THE SECRETARY.—If the Sec-  
 5           retary determines that the Governor has not fulfilled  
 6           the requirements of this subsection, the Secretary  
 7           shall—

8           (A) require corrective action to secure  
 9           prompt compliance with the requirements of  
 10          this subsection; and

11          (B) impose the sanctions provided under  
 12          subsection (e) in the event of failure of the Gov-  
 13          ernor to take the required appropriate action to  
 14          secure compliance with the requirements.

15          (b) SUBSTANTIAL VIOLATION.—

16          (1) ACTION BY GOVERNOR.—If, as a result of  
 17          financial and compliance audits or otherwise, the  
 18          Governor determines that there is a substantial vio-  
 19          lation of a specific provision of this title or subtitle  
 20          A or B of title I that relates to the administration  
 21          of programs or activities funded under this title or  
 22          under the Wagner-Peyser Act (29 U.S.C. 49 et  
 23          seq.), and corrective action has not been taken, the  
 24          Governor shall—

1           (A) issue a notice of intent to revoke ap-  
 2           proval of all or part of the local plan affected;  
 3           or

4           (B) impose a reorganization plan, which  
 5           may include—

6                   (i) decertifying the local board in-  
 7                   volved;

8                   (ii) prohibiting the use of eligible pro-  
 9                   viders;

10                  (iii) selecting an alternative entity to  
 11                  administer the program for the local area  
 12                  involved;

13                  (iv) merging the local area into one or  
 14                  more other local areas; or

15                  (v) making such other changes as the  
 16                  Secretary or Governor determines to be  
 17                  necessary to secure compliance with the  
 18                  provision.

19           (2) APPEAL.—

20                   (A) IN GENERAL.—The actions taken by  
 21                   the Governor pursuant to subparagraphs (A)  
 22                   and (B) of paragraph (1) may be appealed to  
 23                   the Secretary and shall not become effective  
 24                   until—

25                           (i) the time for appeal has expired; or

1 (ii) the Secretary has issued a deci-  
 2 sion.

3 (B) ADDITIONAL REQUIREMENT.—The  
 4 Secretary shall make a final decision under sub-  
 5 paragraph (A) not later than 45 days after the  
 6 receipt of the appeal.

7 (3) ACTION BY THE SECRETARY.—If the Gov-  
 8 ernor fails to take promptly an action required  
 9 under paragraph (1), the Secretary shall take such  
 10 action.

11 (c) REPAYMENT OF CERTAIN AMOUNTS TO THE  
 12 UNITED STATES.—

13 (1) IN GENERAL.—Every recipient of funds  
 14 under this title shall repay to the United States  
 15 amounts found not to have been expended in accord-  
 16 ance with this title and subtitles A and B of title I.

17 (2) OFFSET OF REPAYMENT AMOUNT.—If the  
 18 Secretary determines that a State has expended  
 19 funds received under this title in a manner contrary  
 20 to the requirements of this title or subtitle A or B  
 21 of title I, the Secretary may require repayment by  
 22 offsetting the amount of such expenditures against  
 23 any other amount to which the State is or may be  
 24 entitled under this title, except as provided under  
 25 subsection (d)(1).

1           (3) REPAYMENT FROM DEDUCTION BY  
 2     STATE.—If the Secretary requires a State to repay  
 3     funds as a result of a determination that a local  
 4     area of the State has expended funds in a manner  
 5     contrary to the requirements of this title or subtitle  
 6     A or B of title I, the Governor of the State may use  
 7     an amount deducted under paragraph (4) to repay  
 8     the funds, except as provided under subsection (c).

9           (4) DEDUCTION BY STATE.—The Governor may  
 10    deduct an amount equal to the misexpenditure de-  
 11    scribed in paragraph (3) from subsequent program  
 12    year (subsequent to the program year for which the  
 13    determination was made) allocations to the local  
 14    area from funds reserved for the administrative  
 15    costs of the local programs involved, as appropriate.

16          (5) LIMITATIONS.—A deduction made by a  
 17    State as described in paragraph (4) shall not be  
 18    made until such time as the Governor has taken ap-  
 19    propriate corrective action to ensure full compliance  
 20    with this title and subtitles A and B of title I within  
 21    such local area with regard to appropriate expendi-  
 22    tures of funds under this title.

23          (d) REPAYMENT OF AMOUNTS.—

24           (1) IN GENERAL.—Each recipient of funds  
 25    under this title shall be liable to repay the amounts



1 described in subsection (c)(1), from funds other than  
2 funds received under this title; upon a determination  
3 by the Secretary that the misexpenditure of the  
4 amounts was due to willful disregard of the require-  
5 ments of this title or subtitle A or B of title I; gross  
6 negligence; failure to observe accepted standards of  
7 administration; or a pattern of misexpenditure de-  
8 scribed in subsection (c)(1). No such determination  
9 shall be made under this subsection or subsection (c)  
10 until notice and opportunity for a fair hearing have  
11 been given to the recipient.

12 ~~(2) FACTORS IN IMPOSING SANCTIONS.~~—In de-  
13 termining whether to impose any sanction author-  
14 ized by this section against a recipient of funds  
15 under this title for violations of title I or subtitle A  
16 or B or title I (including applicable regulations) by  
17 a subgrantee or contractor of such recipient, the  
18 Secretary shall first determine whether such recipi-  
19 ent has adequately demonstrated that the recipient  
20 has—

21 ~~(A)~~ established and adhered to an appro-  
22 priate system; for entering into and monitoring  
23 subgrant agreements and contracts with sub-  
24 grantees and contractors; that contains accept-  
25 able standards for ensuring accountability;

1           (B) entered into a written subgrant agree-  
2           ment or contract with such a subgrantee or  
3           contractor that established clear goals and obli-  
4           gations in unambiguous terms;

5           (C) acted with due diligence to monitor the  
6           implementation of the subgrant agreement or  
7           contract, including carrying out the appropriate  
8           monitoring activities (including audits) at rea-  
9           sonable intervals; and

10          (D) taken prompt and appropriate correc-  
11          tive action upon becoming aware of any evi-  
12          dence of a violation of this title or subtitle A or  
13          B of title I, including regulations issued under  
14          this title or such subtitle, by such subgrantee or  
15          contractor.

16          (3) WAIVER.—If the Secretary determines that  
17          the recipient has demonstrated substantial compli-  
18          ance with the requirements of paragraph (2), the  
19          Secretary may waive the imposition of sanctions au-  
20          thorized by this section upon such recipient. The  
21          Secretary is authorized to impose any sanction con-  
22          sistent with the provisions of this title and subtitles  
23          A and B of title I and with any applicable Federal  
24          or State law directly against any subgrantee or con-  
25          tractor for violation of this title or subtitle A or B

1 of title I, including regulations issued under this  
2 title or such subtitle.

3 (e) IMMEDIATE TERMINATION OR SUSPENSION OF  
4 ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency  
5 situations, if the Secretary determines it is necessary to  
6 protect the integrity of the funds or ensure the proper op-  
7 eration of the program or activity involved, the Secretary  
8 may immediately terminate or suspend financial assist-  
9 ance, in whole or in part, to the recipient if the recipient  
10 is given prompt notice and the opportunity for a subse-  
11 quent hearing within 30 days after such termination or  
12 suspension. The Secretary shall not delegate any of the  
13 functions or authority specified in this subsection, other  
14 than to an officer whose appointment is required to be  
15 made by and with the advice and consent of the Senate.

16 (f) DISCRIMINATION AGAINST PARTICIPANTS.—If  
17 the Secretary determines that any recipient under this  
18 title has discharged or in any other manner discriminated  
19 against a participant or against any individual in connec-  
20 tion with the administration of the program involved, or  
21 against any individual because such individual has filed  
22 any complaint or instituted or caused to be instituted any  
23 proceeding under or related to this title, or has testified  
24 or is about to testify in any such proceeding or an inves-  
25 tigation under or related to this title, or otherwise unlaw-

1 fully denied to any individual a benefit to which that indi-  
 2 vidual is entitled under the provisions of this title, includ-  
 3 ing regulations issued under this title, the Secretary shall,  
 4 within 30 days, take such action or order such corrective  
 5 measures, as necessary, with respect to the recipient or  
 6 the aggrieved individual, or both.

7 (g) REMEDIES.—The remedies described in this sec-  
 8 tion shall not be considered to be the exclusive remedies  
 9 available for violations described in this section.

#### 10 **SEC. 285. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

11 (a) RECIPIENT RECORDKEEPING AND REPORTS.—

12 (1) IN GENERAL.—Recipients of funds under  
 13 this title shall keep records that are sufficient to  
 14 permit the preparation of reports required by this  
 15 title or subtitle A or B of title I and to permit the  
 16 tracing of funds to a level of expenditure adequate  
 17 to ensure that the funds have not been spent unlaw-  
 18 fully.

19 (2) RECORDS AND REPORTS REGARDING GEN-  
 20 ERAL PERFORMANCE.—Every such recipient shall  
 21 maintain such records and submit such reports, in  
 22 such form and containing such information, as the  
 23 Secretary may require regarding the performance of  
 24 programs and activities carried out under this title.  
 25 Such records and reports shall be submitted to the

Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate regarding such information may be provided.

~~(3)~~ MAINTENANCE OF STANDARDIZED RECORDS.—In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.

~~(4)~~ AVAILABILITY TO THE PUBLIC.—

~~(A)~~ IN GENERAL.—Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.

~~(B)~~ EXCEPTION.—Subparagraph (A) shall not apply to—

(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(ii) trade secrets, or commercial or financial information, that is—

(I) obtained from a person; and

1 (H) privileged or confidential.

2 (C) FEES TO RECOVER COSTS.—Such re-  
 3 cipients may charge fees sufficient to recover  
 4 costs applicable to the processing of requests  
 5 for records under subparagraph (A).

6 (b) INVESTIGATIONS OF USE OF FUNDS.—

7 (1) IN GENERAL.—

8 (A) SECRETARY.—In order to evaluate  
 9 compliance with the provisions of this title and  
 10 subtitles A and B of title I, the Secretary shall  
 11 conduct, in several States, in each fiscal year,  
 12 investigations of the use of funds received by  
 13 recipients under this title.

14 (B) COMPTROLLER GENERAL OF THE  
 15 UNITED STATES.—In order to ensure compli-  
 16 ance with the provisions of this title and sub-  
 17 titles A and B of title I, the Comptroller Gen-  
 18 eral of the United States may conduct inves-  
 19 tigation of the use of funds received under this  
 20 title by any recipient.

21 (2) PROHIBITION.—In conducting any inves-  
 22 tigation under this title, the Secretary or the Comp-  
 23 troller General of the United States may not request  
 24 the compilation of any information that the recipient

1 is not otherwise required to compile and that is not  
2 readily available to such recipient.

3 ~~(3)~~ AUDITS.—

4 (A) IN GENERAL.—In carrying out any  
5 audit under this title (other than any initial  
6 audit survey or any audit investigating possible  
7 criminal or fraudulent conduct), either directly  
8 or through grant or contract, the Secretary, the  
9 Inspector General of the Department of Labor,  
10 or the Comptroller General of the United States  
11 shall furnish to the State, recipient, or other  
12 entity to be audited, advance notification of the  
13 overall objectives and purposes of the audit, and  
14 any extensive recordkeeping or data require-  
15 ments to be met, not later than 14 days (or as  
16 soon as practicable), prior to the commence-  
17 ment of the audit.

18 (B) NOTIFICATION REQUIREMENT.—If the  
19 scope, objectives, or purposes of the audit  
20 change substantially during the course of the  
21 audit, the entity being audited shall be notified  
22 of the change as soon as practicable.

23 (C) ADDITIONAL REQUIREMENT.—The re-  
24 ports on the results of such audits shall cite the

1 law, regulation, policy, or other criteria applica-  
 2 ble to any finding contained in the reports.

3 ~~(D) RULE OF CONSTRUCTION.—~~Nothing  
 4 contained in this title shall be construed so as  
 5 to be inconsistent with the Inspector General  
 6 Act of 1978 (5 U.S.C. App.) or government au-  
 7 diting standards issued by the Comptroller Gen-  
 8 eral of the United States.

9 ~~(c) GRANTEE INFORMATION RESPONSIBILITIES.—~~  
 10 Each State, each local board, and each recipient (other  
 11 than a subrecipient, subgrantee, or contractor of a recipi-  
 12 ent) receiving funds under this title—

13 ~~(1)~~ shall make readily accessible such reports  
 14 concerning its operations and expenditures as shall  
 15 be prescribed by the Secretary;

16 ~~(2)~~ shall prescribe and maintain comparable  
 17 management information systems, in accordance  
 18 with guidelines that shall be prescribed by the Sec-  
 19 retary, designed to facilitate the uniform compila-  
 20 tion, cross tabulation, and analysis of programmatic,  
 21 participant, and financial data, on statewide, local  
 22 area, and other appropriate bases, necessary for re-  
 23 porting, monitoring, and evaluating purposes, includ-  
 24 ing data necessary to comply with section 288;



1           (3) shall monitor the performance of providers  
 2           in complying with the terms of grants, contracts, or  
 3           other agreements made pursuant to this title; and

4           (4) shall, to the extent practicable, submit or  
 5           make available (including through electronic means)  
 6           any reports, records, plans, or any other data that  
 7           are required to be submitted or made available, re-  
 8           spectively, under this title or subtitle A or B of title  
 9           I.

10       ~~(d) INFORMATION TO BE INCLUDED IN REPORTS.—~~

11           ~~(1) IN GENERAL.—~~The reports required in sub-  
 12           section ~~(c)~~ shall include information regarding pro-  
 13           grams and activities carried out under this title per-  
 14           taining to—

15           ~~(A)~~ the relevant demographic characteris-  
 16           tics (including race, ethnicity, sex, and age) and  
 17           other related information regarding partici-  
 18           pants;

19           ~~(B)~~ the programs and activities in which  
 20           participants are enrolled, and the length of time  
 21           that participants are engaged in such programs  
 22           and activities;

23           ~~(C)~~ outcomes of the programs and activi-  
 24           ties for participants, including the occupations

1 of participants, and placement for participants  
2 in nontraditional employment;

3 (D) specified costs of the programs and ac-  
4 tivities; and

5 (E) information necessary to prepare re-  
6 ports to comply with section 288.

7 (2) ~~ADDITIONAL REQUIREMENT.~~—The Sec-  
8 retary shall ensure that all elements of the informa-  
9 tion required for the reports described in paragraph  
10 (1) are defined and that the information is reported  
11 uniformly.

12 ~~(c) QUARTERLY FINANCIAL REPORTS.~~—

13 (1) ~~IN GENERAL.~~—Each local board in a State  
14 shall submit quarterly financial reports to the Gov-  
15 ernor with respect to programs and activities carried  
16 out under this title. Such reports shall include infor-  
17 mation identifying all program and activity costs by  
18 cost category in accordance with generally accepted  
19 accounting principles and by year of the appropria-  
20 tion involved.

21 (2) ~~ADDITIONAL REQUIREMENT.~~—Each State  
22 shall submit to the Secretary, on a quarterly basis,  
23 a summary of the reports submitted to the Governor  
24 pursuant to paragraph (1).

1       (f) MAINTENANCE OF ADDITIONAL RECORDS.—Each  
 2 State and local board shall maintain records with respect  
 3 to programs and activities carried out under this title that  
 4 identify—

5           (1) any income or profits earned, including such  
 6 income or profits earned by subrecipients; and

7           (2) any costs incurred (such as stand-in costs)  
 8 that are otherwise allowable except for funding limi-  
 9 tations.

10       (g) COST CATEGORIES.—In requiring entities to  
 11 maintain records of costs by cost category under this title,  
 12 the Secretary shall require only that the costs be cat-  
 13 egorized as administrative or programmatic costs.

14 **SEC. 286. ADMINISTRATIVE ADJUDICATION.**

15       (a) IN GENERAL.—Whenever any applicant for finan-  
 16 cial assistance under this title is dissatisfied because the  
 17 Secretary has made a determination not to award financial  
 18 assistance in whole or in part to such applicant, the appli-  
 19 cant may request a hearing before an administrative law  
 20 judge of the Department of Labor. A similar hearing may  
 21 also be requested by any recipient for whom a corrective  
 22 action has been required or a sanction has been imposed  
 23 by the Secretary under section 284.

24       (b) APPEAL.—The decision of the administrative law  
 25 judge shall constitute final action by the Secretary unless,

1 within 20 days after receipt of the decision of the adminis-  
 2 trative law judge, a party dissatisfied with the decision or  
 3 any part of the decision has filed exceptions with the Sec-  
 4 retary specifically identifying the procedure, fact, law, or  
 5 policy to which exception is taken. Any exception not spe-  
 6 cifically urged during the 20-day period shall be deemed  
 7 to have been waived. After the 20-day period the decision  
 8 of the administrative law judge shall become the final deci-  
 9 sion of the Secretary unless the Secretary, within 30 days  
 10 after such filing, notifies the parties that the case involved  
 11 has been accepted for review.

12 (c) TIME LIMIT.—Any case accepted for review by  
 13 the Secretary under subsection (b) shall be decided within  
 14 180 days after such acceptance. If the case is not decided  
 15 within the 180-day period, the decision of the administra-  
 16 tive law judge shall become the final decision of the Sec-  
 17 retary at the end of the 180-day period.

18 (d) ADDITIONAL REQUIREMENT.—The provisions of  
 19 section 287 shall apply to any final action of the Secretary  
 20 under this section.

21 **SEC. 287. JUDICIAL REVIEW.**

22 (a) REVIEW.—

23 (1) PETITION.—With respect to any final order  
 24 by the Secretary under section 286 by which the  
 25 Secretary awards, declines to award, or only condi-

tionally awards, financial assistance under this title;  
or any final order of the Secretary under section 286  
with respect to a corrective action or sanction im-  
posed under section 284; any party to a proceeding  
that resulted in such final order may obtain review  
of such final order in the United States Court of Ap-  
peals having jurisdiction over the applicant for or re-  
cipient of the funds involved, by filing a review peti-  
tion within 30 days after the date of issuance of  
such final order.

(2) ACTION ON PETITION.—The clerk of the  
court shall transmit a copy of the review petition to  
the Secretary, who shall file the record on which the  
final order was entered as provided in section 2112  
of title 28, United States Code. The filing of a re-  
view petition shall not stay the order of the Sec-  
retary, unless the court orders a stay. Petitions filed  
under this subsection shall be heard expeditiously, if  
possible within 10 days after the date of filing of a  
reply to the petition.

(3) STANDARD AND SCOPE OF REVIEW.—No  
objection to the order of the Secretary shall be con-  
sidered by the court unless the objection was specifi-  
cally urged, in a timely manner, before the Sec-  
retary. The review shall be limited to questions of

1 law and the findings of fact of the Secretary shall  
2 be conclusive if supported by substantial evidence.

3 (b) JUDGMENT.—The court shall have jurisdiction to  
4 make and enter a decree affirming, modifying, or setting  
5 aside the order of the Secretary in whole or in part. The  
6 judgment of the court regarding the order shall be final,  
7 subject to certiorari review by the Supreme Court as pro-  
8 vided in section 1254(1) of title 28, United States Code.

9 **SEC. 288. NONDISCRIMINATION.**

10 (a) IN GENERAL.—

11 (1) FEDERAL FINANCIAL ASSISTANCE.—For  
12 the purpose of applying the prohibitions against dis-  
13 crimination on the basis of age under the Age Dis-  
14 crimination Act of 1975 (42 U.S.C. 6101 et seq.),  
15 on the basis of disability under section 504 of the  
16 Rehabilitation Act of 1973 (29 U.S.C. 794), on the  
17 basis of sex under title IX of the Education Amend-  
18 ments of 1972 (20 U.S.C. 1681 et seq.), or on the  
19 basis of race, color, or national origin under title VI  
20 of the Civil Rights Act of 1964 (42 U.S.C. 2000d  
21 et seq.), programs and activities funded or otherwise  
22 financially assisted in whole or in part under this  
23 Act are considered to be programs and activities re-  
24 ceiving Federal financial assistance.

1           (2) PROHIBITION OF DISCRIMINATION REGARD-  
2       ING PARTICIPATION, BENEFITS, AND EMPLOY-  
3       MENT.—No individual shall be excluded from par-  
4       ticipation in, denied the benefits of, subjected to dis-  
5       crimination under, or denied employment in the ad-  
6       ministration of or in connection with, any such pro-  
7       gram or activity because of race, color, religion, sex  
8       (except as otherwise permitted under title IX of the  
9       Education Amendments of 1972), national origin,  
10      age, disability, or political affiliation or belief.

11          (3) PROHIBITION ON ASSISTANCE FOR FACILI-  
12      TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS  
13      WORSHIP.—Participants shall not be employed under  
14      this title or subtitle C of title I to carry out the con-  
15      struction, operation, or maintenance of any part of  
16      any facility that is used or to be used for sectarian  
17      instruction or as a place for religious worship (ex-  
18      cept with respect to the maintenance of a facility  
19      that is not primarily or inherently devoted to sec-  
20      tarian instruction or religious worship, in a case in  
21      which the organization operating the facility is part  
22      of a program or activity providing services to partici-  
23      pants).

24          (4) PROHIBITION ON DISCRIMINATION ON BASIS  
25      OF PARTICIPANT STATUS.—No person may discrimi-

1       nate against an individual who is a participant in a  
 2       program or activity that receives funds under this  
 3       title or subtitle C of title I, with respect to the terms  
 4       and conditions affecting, or rights provided to, the  
 5       individual, solely because of the status of the indi-  
 6       vidual as a participant.

7               (5) PROHIBITION ON DISCRIMINATION AGAINST  
 8       CERTAIN NONCITIZENS.—Participation in programs  
 9       and activities or receiving funds under this title shall  
 10      be available to citizens and nationals of the United  
 11      States, lawfully admitted permanent resident aliens,  
 12      refugees, asylees, and parolees, and other immi-  
 13      grants authorized by the Attorney General to work  
 14      in the United States.

15      (b) ACTION OF SECRETARY.—Whenever the Sec-  
 16      retary finds that a State or other recipient of funds under  
 17      this title has failed to comply with a provision of law re-  
 18      ferred to in subsection (a)(1), or with paragraph (2), (3),  
 19      (4), or (5) of subsection (a), including an applicable regu-  
 20      lation prescribed to carry out such provision or paragraph,  
 21      the Secretary shall notify such State or recipient and shall  
 22      request that the State or recipient comply. If within a rea-  
 23      sonable period of time, not to exceed 60 days, the State  
 24      or recipient fails or refuses to comply, the Secretary  
 25      may—



1           (1) refer the matter to the Attorney General  
 2           with a recommendation that an appropriate civil ac-  
 3           tion be instituted; or

4           (2) take such other action as may be provided  
 5           by law.

6           (c) ACTION OF ATTORNEY GENERAL.—When a mat-  
 7           ter is referred to the Attorney General pursuant to sub-  
 8           section (b)(1), or whenever the Attorney General has rea-  
 9           son to believe that a State or other recipient of funds  
 10          under this title is engaged in a pattern or practice of dis-  
 11          crimination in violation of a provision of law referred to  
 12          in subsection (a)(1) or in violation of paragraph (2), (3),  
 13          (4), or (5) of subsection (a), the Attorney General may  
 14          bring a civil action in any appropriate district court of the  
 15          United States for such relief as may be appropriate, in-  
 16          cluding injunctive relief.

17          (d) JOB CORPS.—For the purposes of this section,  
 18          Job Corps members shall be considered to be the ultimate  
 19          beneficiaries of Federal financial assistance.

20          (e) REGULATIONS.—The Secretary shall issue regula-  
 21          tions necessary to implement this section not later than  
 22          1 year after the date of enactment of the Workforce In-  
 23          vestment Act of 1998. Such regulations shall adopt stand-  
 24          ards for determining discrimination and procedures for en-  
 25          forcement that are consistent with the Acts referred to in

1 subsection (a)(1), as well as procedures to ensure that  
2 complaints filed under this section and such Acts are pro-  
3 cessed in a manner that avoids duplication of effort.

4 **SEC. 289. SECRETARIAL ADMINISTRATIVE AUTHORITIES**  
5 **AND RESPONSIBILITIES.**

6 (a) IN GENERAL.—In accordance with chapter 5 of  
7 title 5, United States Code, the Secretary may prescribe  
8 rules and regulations to carry out this title and appro-  
9 priate provisions of subtitles A and B of title I, only to  
10 the extent necessary to administer and ensure compliance  
11 with the requirements of this title and such subtitles. Such  
12 rules and regulations may include provisions making ad-  
13 justments authorized by section 6504 of title 31, United  
14 States Code. All such rules and regulations shall be pub-  
15 lished in the Federal Register at least 30 days prior to  
16 their effective dates. Copies of each such rule or regulation  
17 shall be transmitted to the appropriate committees of Con-  
18 gress on the date of such publication and shall contain,  
19 with respect to each material provision of such rule or reg-  
20 ulation, a citation to the particular substantive section of  
21 law that is the basis for the provision.

22 (b) ACQUISITION OF CERTAIN PROPERTY AND SERV-  
23 ICES.—The Secretary is authorized, in carrying out this  
24 title, to accept, purchase, or lease in the name of the De-  
25 partment of Labor, and employ or dispose of in further-

1 ance of the purposes of this title, any money or property,  
2 real, personal, or mixed, tangible or intangible, received  
3 by gift, devise, bequest, or otherwise, and to accept vol-  
4 untary and uncompensated services notwithstanding the  
5 provisions of section 1342 of title 31, United States Code.

6 (c) ~~AUTHORITY TO ENTER INTO CERTAIN AGREE-~~  
7 ~~MENTS AND TO MAKE CERTAIN EXPENDITURES.~~—The  
8 Secretary may make such grants, enter into such con-  
9 tracts or agreements, establish such procedures, and make  
10 such payments, in installments and in advance or by way  
11 of reimbursement, or otherwise allocate or expend such  
12 funds under this title, as may be necessary to carry out  
13 this title, including making expenditures for construction,  
14 repairs, and capital improvements, and including making  
15 necessary adjustments in payments on account of over-  
16 payments or underpayments.

17 (d) ~~ANNUAL REPORT.~~—The Secretary shall prepare  
18 and submit to the Committee on Education and the Work-  
19 force of the House of Representatives and the Committee  
20 on Health, Education, Labor, and Pensions of the Senate  
21 an annual report regarding the programs and activities  
22 funded under this title. The Secretary shall include in such  
23 report—

1           (1) a summary of the achievements, failures,  
2           and challenges of the programs and activities in  
3           meeting the objectives of this title and title I;

4           (2) a summary of major findings from research,  
5           evaluations, pilot projects, and experiments con-  
6           ducted under this title in the fiscal year prior to the  
7           submission of the report;

8           (3) recommendations for modifications in the  
9           programs and activities based on analysis of such  
10          findings; and

11          (4) such other recommendations for legislative  
12          or administrative action as the Secretary determines  
13          to be appropriate.

14          (c) UTILIZATION OF SERVICES AND FACILITIES.—

15       The Secretary is authorized, in carrying out this title and  
16       subtitles A and B of title I, under the same procedures  
17       as are applicable under subsection (c) or to the extent per-  
18       mitted by law other than this title and such subtitles, to  
19       accept and use the services and facilities of departments,  
20       agencies, and establishments of the United States. The  
21       Secretary is also authorized, in carrying out this title and  
22       such subtitles, to accept and use the services and facilities  
23       of the agencies of any State or political subdivision of a  
24       State, with the consent of the State or political subdivi-  
25       sion.

1       (f) ~~OBLIGATIONAL AUTHORITY.~~—Notwithstanding  
 2 any other provision of this title, the Secretary shall have  
 3 no authority to enter into contracts, grant agreements, or  
 4 other financial assistance agreements under this title, ex-  
 5 cept to such extent and in such amounts as are provided  
 6 in advance in appropriations Acts.

7       (g) ~~PROGRAM YEAR.~~—

8           (1) ~~IN GENERAL.~~—

9               (A) ~~PROGRAM YEAR.~~—Except as provided  
 10 in subparagraph (B) and section 272, appro-  
 11 priations for any fiscal year for programs and  
 12 activities funded under this title shall be avail-  
 13 able for obligation only on the basis of a pro-  
 14 gram year. The program year shall begin on  
 15 July 1 in the fiscal year for which the appro-  
 16 priation is made.

17           (B) ~~YOUTH WORKFORCE INVESTMENT AC-~~  
 18 ~~TIVITIES.~~—The Secretary may make available  
 19 for obligation, beginning April 1 of any fiscal  
 20 year, funds appropriated for such fiscal year to  
 21 carry out youth workforce investment activities  
 22 under subtitle B.

23       (2) ~~AVAILABILITY.~~—

24           (A) ~~IN GENERAL.~~—Funds obligated for  
 25 any program year for a program or activity

1 funded under subtitle B may be expended by  
2 each State receiving such funds during that  
3 program year and the 2 succeeding program  
4 years. Funds received by local areas from  
5 States under subtitle B during a program year  
6 may be expended during that program year and  
7 the succeeding program year.

8 (B) CERTAIN NATIONAL ACTIVITIES.—

9 (i) IN GENERAL.—Funds obligated for  
10 any program year for any program or ac-  
11 tivity carried out under section 270 shall  
12 remain available until expended.

13 (ii) INCREMENTAL FUNDING BASIS.—

14 A contract or arrangement entered into  
15 under the authority of subsection (a) or (b)  
16 of section 270 (relating to evaluations, re-  
17 search projects, studies and reports, and  
18 multistate projects), including a long-term,  
19 nonseverable services contract, may be  
20 funded on an incremental basis with an-  
21 nual appropriations or other available  
22 funds.

23 (C) SPECIAL RULE.—No amount of the  
24 funds obligated for a program year for a pro-  
25 gram or activity funded under this title shall be

1           deobligated on account of a rate of expenditure  
 2           that is consistent with a State plan, an oper-  
 3           ating plan described in section 251, or a plan,  
 4           grant agreement, contract, application, or other  
 5           agreement described in subtitle D, as appro-  
 6           priate.

7           (h) ~~ENFORCEMENT OF MILITARY SELECTIVE SERV-~~  
 8 ~~ICE ACT.~~—The Secretary shall ensure that each individual  
 9 participating in any program or activity established under  
 10 this title, or receiving any assistance or benefit under this  
 11 title, has not violated section 3 of the Military Selective  
 12 Service Act (50 U.S.C. App. 453) by not presenting and  
 13 submitting to registration as required pursuant to such  
 14 section. The Director of the Selective Service System shall  
 15 cooperate with the Secretary to enable the Secretary to  
 16 carry out this subsection.

17           (i) ~~WAIVER.~~—

18           (1) ~~SPECIAL RULE REGARDING DESIGNATED~~  
 19 ~~AREAS.~~—A State that has enacted, not later than  
 20 December 31, 1997, a State law providing for the  
 21 designation of service delivery areas for the delivery  
 22 of workforce investment activities, may use such  
 23 areas as local areas under this title and title I, not-  
 24 withstanding section 116.

1           (2) SPECIAL RULE REGARDING SANCTIONS.—A  
2       State that enacts, not later than December 31,  
3       1997, a State law providing for the sanctioning of  
4       such service delivery areas for failure to meet per-  
5       formance measures for workforce investment activi-  
6       ties, may use the State law to sanction local areas  
7       for failure to meet State performance accountability  
8       measures under title I.

9           (3) GENERAL WAIVERS OF STATUTORY OR REG-  
10       ULATORY REQUIREMENTS.—

11           (A) GENERAL AUTHORITY.—Notwith-  
12       standing any other provision of law, the Sec-  
13       retary may waive for a State, or a local area in  
14       a State, pursuant to a request submitted by the  
15       Governor of the State (in consultation with ap-  
16       propriate local elected officials) with a plan that  
17       meets the requirements of subparagraph (B)—

18           (i) any of the statutory or regulatory  
19       requirements of subtitle A or B of title I  
20       that relate to the administration of pro-  
21       grams or activities funded under this title  
22       or the Wagner-Peyser Act (29 U.S.C. 49  
23       et seq.); subtitle B of this title, section  
24       272, or this subtitle (except for require-  
25       ments relating to wage and labor stand-



ards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, non-discrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of this title and title I); and

(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

(B) REQUESTS.—A Governor requesting a waiver under subparagraph (A) shall submit a

1 plan to the Secretary to improve the statewide  
2 workforce development system that—

3 (i) identifies the statutory or regu-  
4 latory requirements that are requested to  
5 be waived and the goals that the State or  
6 local area in the State, as appropriate, in-  
7 tends to achieve as a result of the waiver;

8 (ii) describes the actions that the  
9 State or local area, as appropriate, has un-  
10 dertaken to remove State or local statutory  
11 or regulatory barriers;

12 (iii) describes the goals of the waiver  
13 and the expected programmatic outcomes  
14 if the request is granted;

15 (iv) describes the individuals impacted  
16 by the waiver; and

17 (v) describes the process used to mon-  
18 itor the progress in implementing such a  
19 waiver, and the process by which notice  
20 and, in the case of a waiver for a local  
21 area, an opportunity to comment on such  
22 request has been provided to the local  
23 board for the local area for which the wai-  
24 ver is requested.

1           (C) CONDITIONS.—Not later than 90 days  
2 after the date of the original submission of a  
3 request for a waiver under subparagraph (A);  
4 the Secretary shall provide a waiver under this  
5 subsection if and only to the extent that—

6           (i) the Secretary determines that the  
7 requirements requested to be waived im-  
8 pede the ability of the State or local area,  
9 as appropriate, to implement the plan de-  
10 scribed in subparagraph (B); and

11           (ii) the State has executed a memo-  
12 randum of understanding with the Sec-  
13 retary requiring such State to meet, or en-  
14 sure that the local area for which the waiv-  
15 er is requested meets, agreed-upon out-  
16 comes and to implement other appropriate  
17 measures to ensure accountability.

18           (D) EXPEDITED DETERMINATION REGARD-  
19 ING PROVISION OF WAIVERS.—If the Secretary  
20 has approved a waiver of statutory or regu-  
21 latory requirements for a State or local area  
22 pursuant to this subsection, the Secretary shall  
23 expedite the determination regarding the provi-  
24 sion of that waiver, for another State or local

1           area if such waiver is in accordance with the  
2           approved State or local plan, as appropriate.

3 **SEC. 290. WORKFORCE FLEXIBILITY PLANS.**

4       (a) PLANS.—A State may submit to the Secretary,  
5 and the Secretary may approve, a workforce flexibility  
6 plan under which the State is authorized to waive, in ac-  
7 cordance with the plan—

8           (1) any of the statutory or regulatory require-  
9       ments applicable under this title and subtitles A and  
10      B of title I to local areas, pursuant to applications  
11      for such waivers from the local areas, except for re-  
12      quirements relating to the basic purposes of this title  
13      and title I, wage and labor standards, grievance pro-  
14      cedures and judicial review, nondiscrimination, eligi-  
15      bility of participants, allocation of funds to local  
16      areas, establishment and functions of local areas and  
17      local boards, procedures for review and approval of  
18      local plans, and worker rights, participation, and  
19      protection;

20           (2) any of the statutory or regulatory require-  
21      ments applicable under sections 8 through 10 of the  
22      Wagner-Peyser Act (29 U.S.C. 49g through 49i) to  
23      the State (excluding requirements relating to the  
24      provision of services to unemployment insurance  
25      claimants and veterans, and requirements relating to

1 universal access to basic labor exchange services  
2 without cost to jobseekers); and

3 ~~(3)~~ any of the statutory or regulatory require-  
4 ments applicable under the Older Americans Act of  
5 1965 (42 U.S.C. 3001 et seq.) to State agencies on  
6 aging with respect to activities carried out using  
7 funds allotted under section 506(b) of such Act (42  
8 U.S.C. 3056d(b)), except for requirements relating  
9 to the basic purposes of such Act, wage and labor  
10 standards, eligibility of participants in the activities,  
11 and standards for grant agreements.

12 (b) CONTENT OF PLANS.—A workforce flexibility  
13 plan implemented by a State under subsection (a) shall  
14 include descriptions of—

15 ~~(1)~~(A) the process by which local areas in the  
16 State may submit and obtain approval by the State  
17 of applications for waivers of requirements applica-  
18 ble under this title or subtitle A or B of title I; and

19 ~~(B)~~ the requirements described in subparagraph  
20 (A) that are likely to be waived by the State under  
21 the plan;

22 ~~(2)~~ the requirements applicable under sections  
23 8 through 10 of the Wagner-Peyser Act that are  
24 proposed to be waived, if any;

1           ~~(3) the requirements applicable under the Older~~  
2       ~~Americans Act of 1965 that are proposed to be~~  
3       ~~waived, if any;~~

4           ~~(4) the outcomes to be achieved by the waivers~~  
5       ~~described in paragraphs (1) through (3); and~~

6           ~~(5) other measures to be taken to ensure appro-~~  
7       ~~priate accountability for Federal funds in connection~~  
8       ~~with the waivers.~~

9       ~~(c) PERIODS.—The Secretary may approve a work-~~  
10      ~~force flexibility plan for a period of not more than 5 years.~~

11      ~~(d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior~~  
12      ~~to submitting a workforce flexibility plan to the Secretary~~  
13      ~~for approval, the State shall provide to all interested par-~~  
14      ~~ties and to the general public adequate notice of and a~~  
15      ~~reasonable opportunity for comment on the waiver re-~~  
16      ~~quests proposed to be implemented pursuant to such plan.~~

17      **SEC. 291. STATE LEGISLATIVE AUTHORITY.**

18      ~~(a) AUTHORITY OF STATE LEGISLATURE.—Nothing~~  
19      ~~in this title or subtitle A or B of title I shall be interpreted~~  
20      ~~to preclude the enactment of State legislation providing~~  
21      ~~for the implementation, consistent with the provisions of~~  
22      ~~this title and subtitles A and B of title I, of the activities~~  
23      ~~assisted under this title or subtitle A or B of title I. Any~~  
24      ~~funds received by a State under this title shall be subject~~  
25      ~~to appropriation by the State legislature, consistent with~~

1 the terms and conditions required under this title and  
 2 such subtitles.

3 (b) INTERSTATE COMPACTS AND COOPERATIVE  
 4 AGREEMENTS.—In the event that compliance with provi-  
 5 sions of this title or title I would be enhanced by compacts  
 6 and cooperative agreements between States, the consent  
 7 of Congress is given to States to enter into such compacts  
 8 and agreements to facilitate such compliance, subject to  
 9 the approval of the Secretary.

10 **SEC. 292. TRANSFER OF FEDERAL EQUITY IN STATE EM-**  
 11 **PLOYMENT SECURITY AGENCY REAL PROP-**  
 12 **ERTY TO THE STATES.**

13 (a) TRANSFER OF FEDERAL EQUITY.—Notwith-  
 14 standing any other provision of law, any Federal equity  
 15 acquired in real property through grants to States award-  
 16 ed under title III of the Social Security Act (42 U.S.C.  
 17 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C.  
 18 49 et seq.) is transferred to the States that used the  
 19 grants for the acquisition of such equity. The portion of  
 20 any real property that is attributable to the Federal equity  
 21 transferred under this section shall be used to carry out  
 22 activities authorized under this Act, title III of the Social  
 23 Security Act, or the Wagner-Peyser Act. Any disposition  
 24 of such real property shall be carried out in accordance  
 25 with the procedures prescribed by the Secretary and the

1 portion of the proceeds from the disposition of such real  
 2 property that is attributable to the Federal equity trans-  
 3 ferred under this section shall be used to carry out activi-  
 4 ties authorized under this Act, title III of the Social Secu-  
 5 rity Act, or the Wagner-Peyser Act.

6 (b) **LIMITATION ON USE.**—A State shall not use  
 7 funds awarded under this Act, title III of the Social Secu-  
 8 rity Act, or the Wagner-Peyser Act to amortize the costs  
 9 of real property that is purchased by any State on or after  
 10 the date of enactment of the Revised Continuing Appro-  
 11 priations Resolution, 2007.

12 **SEC. 293. CONTINUATION OF STATE ACTIVITIES AND POLI-**  
 13 **CIES.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-  
 15 sion of this title, or subtitle A of title I, the Secretary  
 16 may not deny approval of a State plan for a covered State,  
 17 or an application of a covered State for financial assist-  
 18 ance, under this title or subtitle A of title I, or find a  
 19 covered State (including a State board or Governor), or  
 20 a local area (including a local board or chief elected offi-  
 21 cial) in a covered State, in violation of a provision of this  
 22 title or subtitle A of title I, on the basis that—

23 (1)(A) the State proposes to allocate or dis-  
 24 burse, allocates, or disburses, within the State, funds  
 25 made available to the State under section 227 or



1       ~~232~~ in accordance with the allocation formula for  
2       the type of activities involved; or in accordance with  
3       a disbursal procedure or process, used by the State  
4       under prior consistent State laws; or

5           (B) a local board in the State proposes to dis-  
6       burse, or disburses, within the local area, funds  
7       made available to the State under section 227 or  
8       ~~232~~ in accordance with a disbursal procedure or  
9       process used by a private industry council under  
10      prior consistent State law;

11          (2) the State proposes to carry out or carries  
12      out a State procedure through which local areas use,  
13      as fiscal agents for funds made available to the  
14      State under section 227 or ~~232~~ and allocated within  
15      the State, fiscal agents selected in accordance with  
16      a process established under prior consistent State  
17      laws;

18          (3) the State proposes to carry out or carries  
19      out a State procedure through which the local  
20      boards in the State (or the local boards, the chief  
21      elected officials in the State, and the Governor) des-  
22      ignate or select the one-stop partners and one-stop  
23      operators of the statewide system in the State under  
24      prior consistent State laws, in lieu of making the  
25      designation or certification described in section 221

(regardless of the date the one-stop delivery systems involved have been established);

(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 234(c)(2) and training services under section 234(c)(4); under prior consistent State laws;

(5) the State proposes to designate or designates a State board; or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 212 or 213); for purposes of subtitle A of title I in accordance with prior consistent State laws; or

(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle A of title I in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.

(b) DEFINITION.—In this section:

1           (1) COVERED STATE.—The term “covered  
2       State” means a State that enacted State laws de-  
3       scribed in paragraph (2).

4           (2) PRIOR CONSISTENT STATE LAWS.—The  
5       term “prior consistent State laws” means State  
6       laws, not inconsistent with the Job Training Part-  
7       nership Act or any other applicable Federal law,  
8       that took effect on September 1, 1993, September 1,  
9       1995, and September 1, 1997.

10 **SEC. 294. GENERAL PROGRAM REQUIREMENTS.**

11       Except as otherwise provided in this title or title I,  
12       the following conditions apply to all programs under this  
13       title or title I, as applicable:

14           (1) Each program under this title or title I  
15       shall provide employment and training opportunities  
16       to those who can benefit from, and who are most in  
17       need of, such opportunities. In addition, the recipi-  
18       ents of Federal funding for programs under this title  
19       or title I shall make efforts to develop programs that  
20       contribute to occupational development, upward mo-  
21       bility, development of new careers, and opportunities  
22       for nontraditional employment.

23           (2) Funds provided under this title shall only be  
24       used for activities that are in addition to activities

1       that would otherwise be available in the local area  
2       in the absence of such funds.

3           ~~(3)(A)~~ Any local area may enter into an agree-  
4       ment with another local area (including a local area  
5       that is a city or county within the same labor mar-  
6       ket) to pay or share the cost of educating, training,  
7       or placing individuals participating in programs as-  
8       sisted under this title, including the provision of sup-  
9       portive services.

10          ~~(B)~~ Such agreement shall be approved by each  
11       local board for a local area entering into the agree-  
12       ment and shall be described in the local plan under  
13       section ~~118~~.

14          ~~(4)~~ On-the-job training contracts under this  
15       title or subtitle ~~C~~ of title I, shall not be entered into  
16       with employers who have received payments under  
17       previous contracts under this Act or the Workforce  
18       Investment Act of 1998 and have exhibited a pat-  
19       tern of failing to provide on-the-job training partici-  
20       pants with continued long-term employment as reg-  
21       ular employees with wages and employment benefits  
22       (including health benefits) and working conditions at  
23       the same level and to the same extent as other em-  
24       ployees working a similar length of time and doing  
25       the same type of work.

1           ~~(5) No person or organization may charge an~~  
2           ~~individual a fee for the placement or referral of the~~  
3           ~~individual in or to a workforce investment activity~~  
4           ~~under this title.~~

5           ~~(6) The Secretary shall not provide financial as-~~  
6           ~~sistance for any program under this title or subtitle~~  
7           ~~C of title I that involves political activities.~~

8           ~~(7)(A) Income under any program administered~~  
9           ~~by a public or private nonprofit entity may be re-~~  
10          ~~tained by such entity only if such income is used to~~  
11          ~~continue to carry out the program.~~

12          ~~(B) Income subject to the requirements of sub-~~  
13          ~~paragraph (A) shall include—~~

14               ~~(i) receipts from goods or services (includ-~~  
15               ~~ing conferences) provided as a result of activi-~~  
16               ~~ties funded under this title;~~

17               ~~(ii) funds provided to a service provider~~  
18               ~~under this title that are in excess of the costs~~  
19               ~~associated with the services provided; and~~

20               ~~(iii) interest income earned on funds re-~~  
21               ~~ceived under this title.~~

22          ~~(C) For purposes of this paragraph, each entity~~  
23          ~~receiving financial assistance under this title shall~~  
24          ~~maintain records sufficient to determine the amount~~

1 of such income received and the purposes for which  
2 such income is expended.

3 ~~(8)(A)~~ The Secretary shall notify the Governor  
4 and the appropriate local board and chief elected of-  
5 ficial of, and consult with the Governor and such  
6 board and official concerning, any activity to be  
7 funded by the Secretary under this title within the  
8 corresponding State or local area.

9 ~~(B)~~ The Governor shall notify the appropriate  
10 local board and chief elected official of, and consult  
11 with such board and official concerning, any activity  
12 to be funded by the Governor under this title within  
13 the corresponding local area.

14 ~~(9)(A)~~ All education programs for youth sup-  
15 ported with funds provided under chapter 2 of sub-  
16 title B shall be consistent with applicable State and  
17 local educational standards.

18 ~~(B)~~ Standards and procedures with respect to  
19 awarding academic credit and certifying educational  
20 attainment in programs conducted under such chap-  
21 ter shall be consistent with the requirements of ap-  
22 plicable State and local law, including regulation.

23 ~~(10)~~ No funds available under this title or title  
24 I may be used for public service employment except  
25 as specifically authorized under this title or title I.

1           (11) The Federal requirements governing the  
2 title, use, and disposition of real property, equip-  
3 ment, and supplies purchased with funds provided  
4 under this title or subtitle C of title I shall be the  
5 corresponding Federal requirements generally appli-  
6 cable to such items purchased through Federal  
7 grants to States and local governments.

8           (12) Nothing in this title or subtitle C of title  
9 I shall be construed to provide an individual with an  
10 entitlement to a service under this title or subtitle C  
11 of title I.

12           (13) Services, facilities, or equipment funded  
13 under this title may be used, as appropriate, on a  
14 fee-for-service basis, by employers in a local area in  
15 order to provide employment and training activities  
16 to incumbent workers—

17                   (A) when such services, facilities, or equip-  
18 ment are not in use for the provision of services  
19 for eligible participants under this title;

20                   (B) if such use for incumbent workers  
21 would not have an adverse affect on the provi-  
22 sion of services to eligible participants under  
23 this title; and

1           (C) if the income derived from such fees is  
 2           used to carry out the programs authorized  
 3           under this title.

4           (14) Funds provided under this title shall not  
 5           be used to establish or operate a stand-alone fee-for-  
 6           service enterprise in a situation in which a private  
 7           sector employment agency (as defined in section 701  
 8           of the Civil Rights Act of 1964 (42 U.S.C. 2000e))  
 9           is providing full access to similar or related services  
 10          in such a manner as to fully meet the identified  
 11          need. For purposes of this paragraph, such an enter-  
 12          prise does not include a one-stop delivery system de-  
 13          scribed in section 221(e).

14          (15)(A) None of the funds available under this  
 15          title shall be used by a recipient or subrecipient of  
 16          such funds to pay the salary and bonuses of an indi-  
 17          vidual, either as direct costs or indirect costs, at a  
 18          rate in excess of the annual rate of basic pay pre-  
 19          scribed for level II of the Executive Schedule under  
 20          section 5313 of title 5, United States Code.

21          (B) The limitation described in subparagraph  
 22          (A) shall not apply to vendors providing goods and  
 23          services as defined in Office of Management and  
 24          Budget Circular A-133. In a case in which a State  
 25          is a recipient of such funds, the State may establish



1 a lower limit than is provided in subparagraph (A)  
 2 for salaries and bonuses of those receiving salaries  
 3 and bonuses from a subrecipient of such funds, tak-  
 4 ing into account factors including the relative cost of  
 5 living in the State, the compensation levels for com-  
 6 parable State or local government employees, and  
 7 the size of the organizations that administer the  
 8 Federal programs involved.

## 9 **TITLE III—ADULT EDUCATION** 10 **AND LITERACY**

### 11 **SEC. 301. SHORT TITLE.**

12 This title may be cited as the “Adult Education and  
 13 Family Literacy Act”.

### 14 **SEC. 302. PURPOSE.**

15 It is the purpose of this title to create a partnership  
 16 among the Federal Government, States, and localities to  
 17 provide, on a voluntary basis, adult education and literacy  
 18 activities, in order to—

19 (1) assist adults to become literate and obtain  
 20 the knowledge and skills necessary for employment  
 21 and economic self-sufficiency;

22 (2) assist adults who are parents or family  
 23 members to obtain the education and skills that—

1           (A) are necessary to becoming full partners  
 2           in the educational development of their chil-  
 3           dren; and

4           (B) lead to sustainable improvements in  
 5           the economic opportunities for their family;

6           (3) assist adults in attaining a secondary school  
 7           diploma and in the transition to postsecondary edu-  
 8           cation and training, through career pathways; and

9           (4) assist immigrants and other individuals who  
 10          are English language learners in—

11           (A) improving their—

12           (i) reading, writing, speaking, and  
 13           comprehension skills in English; and

14           (ii) mathematics skills; and

15           (B) acquiring an understanding of the  
 16           American system of Government, individual  
 17           freedom, and the responsibilities of citizenship.

18 **SEC. 303. DEFINITIONS.**

19          In this title:

20           (1) **ADULT EDUCATION.**—The term “adult edu-  
 21           cation” means academic instruction and education  
 22           services below the postsecondary level that increase  
 23           an individual’s ability to—

24           (A) read, write, and speak in English and  
 25           perform mathematics or other activities nec-

1           essary for the attainment of a secondary school  
2           diploma or its recognized equivalent;

3           ~~(B) transition to postsecondary education~~  
4           ~~and training; and~~

5           ~~(C) obtain employment.~~

6           ~~(2) ADULT EDUCATION AND LITERACY ACTIVI-~~

7           ~~TIES.—The term “adult education and literacy ac-~~  
8           ~~tivities” means programs, activities, and services~~  
9           ~~that include adult education, literacy, workplace~~  
10          ~~adult education and literacy activities, family literacy~~  
11          ~~activities, English language acquisition activities, in-~~  
12          ~~tegrated English literacy and civics education, work-~~  
13          ~~force preparation activities, or integrated education~~  
14          ~~and training.~~

15          ~~(3) ELIGIBLE AGENCY.—The term “eligible~~

16          ~~agency” means the sole entity or agency in a State~~  
17          ~~or an outlying area responsible for administering or~~  
18          ~~supervising policy for adult education and literacy~~  
19          ~~activities in the State or outlying area, respectively,~~  
20          ~~consistent with the law of the State or outlying area,~~  
21          ~~respectively.~~

22          ~~(4) ELIGIBLE INDIVIDUAL.—The term “eligible~~

23          ~~individual” means an individual—~~

24                 ~~(A) who has attained 16 years of age;~~

1           ~~(B)~~ who is not enrolled or required to be  
 2           enrolled in secondary school under State law;  
 3           and

4           ~~(C)~~ who—

5                 (i) is basic skills deficient, as defined  
 6                 in section 101;

7                 (ii) does not have a secondary school  
 8                 diploma or its recognized equivalent, and  
 9                 has not achieved an equivalent level of edu-  
 10                cation; or

11               (iii) is an English language learner.

12           ~~(5)~~ ELIGIBLE PROVIDER.—The term “eligible  
 13           provider” means an organization that has dem-  
 14           onstrated effectiveness in providing adult education  
 15           and literacy activities that may include—

16               ~~(A)~~ a local educational agency;

17               ~~(B)~~ a community-based organization;

18               ~~(C)~~ a volunteer literacy organization;

19               ~~(D)~~ an institution of higher education;

20               ~~(E)~~ a public or private nonprofit agency;

21               ~~(F)~~ a library;

22               ~~(G)~~ a public housing authority;

23               ~~(H)~~ a nonprofit institution that is not de-  
 24               scribed in any of subparagraphs ~~(A)~~ through  
 25               ~~(G)~~ and has the ability to provide adult edu-

1           eation and literacy activities to eligible individ-  
2           uals;

3           ~~(I) a consortium or coalition of the agen-~~  
4           ~~cies, organizations, institutions, libraries, or au-~~  
5           ~~thorities described in any of subparagraphs (A)~~  
6           ~~through (H); and~~

7           ~~(J) a partnership between an employer and~~  
8           ~~an entity described in any of subparagraphs (A)~~  
9           ~~through (I).~~

10          ~~(6) ENGLISH LANGUAGE ACQUISITION PRO-~~  
11          ~~GRAM.—The term “English language acquisition~~  
12          ~~program” means a program of instruction—~~

13                 ~~(A) designed to help eligible individuals~~  
14                 ~~who are English language learners achieve com-~~  
15                 ~~petence in reading, writing, speaking, and com-~~  
16                 ~~prehension of the English language; and~~

17                 ~~(B) that leads to—~~

18                         ~~(i)(I) attainment of a secondary~~  
19                         ~~school diploma or its recognized equivalent;~~  
20                         ~~and~~

21                         ~~(II) transition to postsecondary edu-~~  
22                         ~~cation and training; or~~

23                         ~~(ii) employment.~~

24          ~~(7) ENGLISH LANGUAGE LEARNER.—The term~~  
25          ~~“English language learner” when used with respect~~

1 to an eligible individual, means an eligible individual  
 2 who has limited ability in reading, writing, speaking,  
 3 or comprehending the English language, and—

4 (A) whose native language is a language  
 5 other than English; or

6 (B) who lives in a family or community en-  
 7 vironment where a language other than English  
 8 is the dominant language.

9 (8) ~~ESSENTIAL COMPONENTS OF READING IN-~~  
 10 ~~STRUCTION.~~—The term “essential components of  
 11 reading instruction” has the meaning given the term  
 12 in section 1208 of the Elementary and Secondary  
 13 Education Act of 1965 (20 U.S.C. 6368).

14 (9) ~~FAMILY LITERACY ACTIVITIES.~~—The term  
 15 “family literacy activities” means activities that are  
 16 of sufficient intensity and quality, to make sustain-  
 17 able improvements in the economic prospects for a  
 18 family and that better enable parents or family  
 19 members to support their children’s learning needs,  
 20 and that integrate all of the following activities:

21 (A) Parent or family adult education and  
 22 literacy activities that lead to readiness for  
 23 postsecondary education or training, career ad-  
 24 vancement, and economic self-sufficiency.

1           (B) Interactive literacy activities between  
2           parents or family members and their children.

3           (C) Training for parents or family mem-  
4           bers regarding how to be the primary teacher  
5           for their children and full partners in the edu-  
6           cation of their children.

7           (D) An age-appropriate education to pre-  
8           pare children for success in school and life ex-  
9           periences.

10          (10) INSTITUTION OF HIGHER EDUCATION.—

11          The term “institution of higher education” has the  
12          meaning given the term in section 101 of the Higher  
13          Education Act of 1965 (20 U.S.C. 1001).

14          (11) INTEGRATED EDUCATION AND TRAIN-

15          ING.—The term “integrated education and training”

16          means a service approach that provides adult edu-

17          cation and literacy activities concurrently and con-

18          textually with workforce preparation activities and

19          workforce training for a specific occupation or occu-

20          pational cluster for the purpose of educational and

21          career advancement.

22          (12) INTEGRATED ENGLISH LITERACY AND

23          CIVICS EDUCATION.—The term “integrated English

24          literacy and civics education” means education serv-

25          ices provided to English language learners who are

1 adults, including professionals with degrees and cre-  
 2 dentials in their native countries, that enables such  
 3 adults to achieve competency in the English lan-  
 4 guage and acquire the basic and more advanced  
 5 skills needed to function effectively as parents, work-  
 6 ers, and citizens in the United States. Such services  
 7 shall include instruction in literacy and English lan-  
 8 guage acquisition and instruction on the rights and  
 9 responsibilities of citizenship and civic participation,  
 10 and may include workforce training.

11 (13) LITERACY.—The term “literacy” means an  
 12 individual’s ability to read, write, and speak in  
 13 English, compute, and solve problems, at levels of  
 14 proficiency necessary to function on the job, in the  
 15 family of the individual, and in society.

16 (14) POSTSECONDARY EDUCATIONAL INSTITU-  
 17 TION.—The term “postsecondary educational institu-  
 18 tion” means—

19 (A) an institution of higher education that  
 20 provides not less than a 2-year program of in-  
 21 struction that is acceptable for credit toward a  
 22 bachelor’s degree;

23 (B) a tribally controlled community college;  
 24 or



1           (C) a nonprofit educational institution of-  
2           fering certificate or apprenticeship programs at  
3           the postsecondary level.

4           (15) SECRETARY.—The term “Secretary”  
5           means the Secretary of Education.

6           (16) WORKPLACE ADULT EDUCATION AND LIT-  
7           ERACY ACTIVITIES.—The term “workplace adult  
8           education and literacy activities” means adult edu-  
9           cation and literacy activities offered by an eligible  
10          provider in collaboration with an employer or em-  
11          ployee organization at a workplace or an off-site lo-  
12          cation that is designed to improve the productivity  
13          of the workforce.

14          (17) WORKFORCE PREPARATION ACTIVITIES.—  
15          The term “workforce preparation activities” means  
16          activities, programs, or services designed to help an  
17          individual acquire a combination of basic academic  
18          skills, critical thinking skills, digital literacy skills,  
19          and self-management skills, including competencies  
20          in utilizing resources, using information, working  
21          with others, understanding systems, and skills nec-  
22          essary for successful transition into and completion  
23          of postsecondary education or training, or employ-  
24          ment.

1 **SEC. 304. HOME SCHOOLS.**

2       Nothing in this title shall be construed to affect home  
3 schools, whether a home school is treated as a home school  
4 or a private school under State law, or to compel a parent  
5 or family member engaged in home schooling to partici-  
6 pate in adult education and literacy activities.

7 **SEC. 305. RULE OF CONSTRUCTION REGARDING POSTSEC-**  
8 **ONDARY TRANSITION AND CONCURRENT EN-**  
9 **ROLLMENT ACTIVITIES.**

10       Nothing in this title shall be construed to prohibit  
11 or discourage the use of funds provided under this title  
12 for adult education and literacy activities that help eligible  
13 individuals transition to postsecondary education and  
14 training or employment, or for concurrent enrollment ac-  
15 tivities.

16 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

17       There are authorized to be appropriated to carry out  
18 this title such sums as may be necessary for each of the  
19 fiscal years 2014 through 2018.

20 **Subtitle A—Federal Provisions**

21 **SEC. 311. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**  
22 **AGENCIES; ALLOTMENTS.**

23       (a) **RESERVATION OF FUNDS.**—From the sum appro-  
24 priated under section 306 for a fiscal year, the Sec-  
25 retary—

1           (1) shall reserve 2 percent to carry out section  
2       342 and subsection (g); except that the amount so  
3       reserved shall not exceed \$15,000,000; and

4           (2) shall reserve 12 percent of the amount that  
5       remains after reserving funds under paragraph (1)  
6       to carry out section 343.

7       (b) GRANTS TO ELIGIBLE AGENCIES.—

8           (1) IN GENERAL.—From the sum appropriated  
9       under section 306 and not reserved under subsection  
10      (a) for a fiscal year, the Secretary shall award a  
11      grant to each eligible agency having a unified State  
12      plan approved under section 112 or a combined  
13      State plan approved under section 113 in an amount  
14      equal to the sum of the initial allotment under sub-  
15      section (c)(1) and the additional allotment under  
16      subsection (c)(2) for the eligible agency for the fiscal  
17      year, subject to subsections (f) and (h), to enable the  
18      eligible agency to carry out the activities assisted  
19      under this title.

20          (2) PURPOSE OF GRANTS.—The Secretary may  
21      award a grant under paragraph (1) only if the eligi-  
22      ble entity involved agrees to expend the grant for  
23      adult education and literacy activities in accordance  
24      with the provisions of this title.

25      (c) ALLOTMENTS.—

1           (1) INITIAL ALLOTMENTS.—From the sum ap-  
 2           propriated under section 306 and not reserved under  
 3           subsection (a) for a fiscal year, the Secretary shall  
 4           allot to each eligible agency having a unified State  
 5           plan approved under section 112 or a combined  
 6           State plan approved under section 113—

7                   (A) \$100,000, in the case of an eligible  
 8           agency serving an outlying area, except as pro-  
 9           vided in subsection (c); and

10                   (B) \$250,000, in the case of any other eli-  
 11           gible agency.

12           (2) ADDITIONAL ALLOTMENTS.—From the sum  
 13           appropriated under section 306, not reserved under  
 14           subsection (a), and not allotted under paragraph (1),  
 15           for a fiscal year, the Secretary shall allot to each eli-  
 16           gible agency that receives an initial allotment under  
 17           paragraph (1) an additional amount that bears the  
 18           same relationship to such sum as the number of  
 19           qualifying adults in the State or outlying area served  
 20           by the eligible agency bears to the number of such  
 21           adults in all States and outlying areas.

22           (d) QUALIFYING ADULT.—For the purpose of sub-  
 23           section (c)(2), the term “qualifying adult” means an adult  
 24           who—

25                   (1) is at least 16 years of age;

1           (2) is beyond the age of compulsory school at-  
 2           tendance under the law of the State or outlying  
 3           area;

4           (3) does not have a secondary school diploma or  
 5           its recognized equivalent; and

6           (4) is not enrolled in secondary school.

7           (c) SPECIAL RULE FOR THE REPUBLIC OF PALAU.—

8           (1) IN GENERAL.—Notwithstanding subsection  
 9           (c)(1)(A), from the sum appropriated under section  
 10          306 and not reserved under subsection (a) for a fis-  
 11          cal year, the Secretary shall allot to the Republic of  
 12          Palau, except during the period described in section  
 13          101(45), an amount based on the recommendations  
 14          of the Pacific Region Educational Laboratory under  
 15          paragraph (2).

16          (2) AWARD BASIS TO PALAU.—For each fiscal  
 17          year, the Pacific Region Educational Laboratory in  
 18          Honolulu, Hawaii shall make recommendations to  
 19          the Secretary concerning a grant amount to the Re-  
 20          public of Palau based on the number of qualifying  
 21          adults (as defined in subsection (d)) in the popu-  
 22          lation of the Republic of Palau.

23          (3) ADMINISTRATIVE COSTS.—The Secretary  
 24          may provide not more than 5 percent of the funds  
 25          made available for grants under this subsection to

1 pay the administrative costs of the Pacific Region  
 2 Educational Laboratory regarding activities assisted  
 3 under this subsection.

4 ~~(f) HOLD-HARMLESS PROVISIONS.—~~

5 (1) IN GENERAL.—Notwithstanding subsection  
 6 (c) and subject to paragraph (2), for fiscal year  
 7 2014 and each succeeding fiscal year, no eligible  
 8 agency shall receive an allotment under this section  
 9 that is less than 90 percent of the allotment the eli-  
 10 gible agency received for the preceding fiscal year  
 11 under this section.

12 ~~(2) 100 PERCENT ALLOTMENT.—~~Notwith-  
 13 standing paragraphs (1) and (2) of subsection (c),  
 14 for a fiscal year for which an eligible agency receives  
 15 only an initial allotment under subsection (c)(1)  
 16 (and no additional allotment under subsection  
 17 (c)(2)) the eligible agency shall receive an allotment  
 18 under this section that is equal to 100 percent of the  
 19 initial allotment under subsection (c)(1).

20 ~~(3) RATABLE REDUCTION.—~~If for any fiscal  
 21 year the amount available for allotment under this  
 22 title is insufficient to satisfy the provisions of para-  
 23 graphs (1) and (2), the Secretary shall ratably re-  
 24 duce the payments to all eligible agencies, as nec-  
 25 essary.

1       ~~(g)~~ ADDITIONAL ASSISTANCE.—

2           (1) IN GENERAL.—From amounts reserved  
3       under subsection ~~(a)~~(1), the Secretary shall make  
4       grants to eligible agencies described in paragraph  
5       ~~(2)~~ to enable such agencies to provide activities au-  
6       thorized under subtitle B.

7           ~~(2)~~ ELIGIBILITY.—An eligible agency is eligible  
8       to receive a grant under this subsection for a fiscal  
9       year if the amount of the allotment such agency re-  
10      ceives under this section for the fiscal year is less  
11      than the amount such agency would have received  
12      for the fiscal year if the allotment formula under  
13      this section as in effect on September 30, 2003,  
14      were in effect for such year.

15          ~~(3)~~ AMOUNT OF GRANT.—The amount of a  
16      grant made to an eligible agency under this sub-  
17      section for a fiscal year shall be the difference be-  
18      tween—

19           ~~(A)~~ the amount of the allotment such  
20      agency would have received for the fiscal year  
21      if the allotment formula under this section as in  
22      effect on September 30, 2003, were in effect for  
23      such year; and

1                   ~~(B)~~ the amount of the allotment such  
 2                   agency receives under this section for the fiscal  
 3                   year.

4           ~~(h)~~ REALLOTMENT.—The portion of any eligible  
 5           agency's allotment under this title for a fiscal year that  
 6           the Secretary determines will not be required for the pe-  
 7           riod such allotment is available for carrying out activities  
 8           under this title, shall be available for reallocation from  
 9           time to time, on such dates during such period as the Sec-  
 10          retary shall fix, to other eligible agencies in proportion to  
 11          the original allotments to such agencies under this title  
 12          for such year.

13          ~~(i)~~ STUDY AND REPORT.—

14               ~~(1)~~ STUDY.—The Comptroller General of the  
 15               United States shall conduct a study concerning the  
 16               formula described in this section and, in conducting  
 17               the study, shall, at a minimum—

18                   ~~(A)~~ examine whether the formula results in  
 19                   a distribution of funds that sufficiently serves  
 20                   the entire population of individuals eligible for  
 21                   adult education and literacy activities under  
 22                   this title;

23                   ~~(B)~~ examine whether the data used to  
 24                   count qualified adults, for purposes of the for-



1           mula, accurately measure the population of in-  
 2           dividuals eligible for the activities; and

3           ~~(C) develop recommendations for improv-~~  
 4           ing the formula so that the formula results in  
 5           a distribution of funds that better serves that  
 6           population and the data used to count qualified  
 7           adults accurately measure that population.

8           ~~(2) REPORT.~~—Not later than 3 years after the  
 9           date of enactment of the Workforce Investment Act  
 10          of 2013, the Comptroller General shall submit to the  
 11          Committee on Health, Education, Labor, and Pen-  
 12          sions of the Senate and the Committee on Education  
 13          and the Workforce of the House of Representatives  
 14          a report containing the results of the study de-  
 15          scribed in paragraph ~~(1)~~.

16 **SEC. 312. PERFORMANCE ACCOUNTABILITY SYSTEM.**

17          Programs and activities authorized in this title are  
 18          subject to the performance accountability provisions de-  
 19          scribed in section ~~131~~.

20                 **Subtitle B—State Provisions**

21 **SEC. 321. STATE ADMINISTRATION.**

22          Each eligible agency shall be responsible for the State  
 23          or outlying area administration of activities under this  
 24          title, including—

1           (1) the development, implementation, and moni-  
 2           toring of the relevant components of the unified  
 3           State plan in section 112 or the combined State plan  
 4           in section 113;

5           (2) consultation with other appropriate agen-  
 6           cies, groups, and individuals that are involved in, or  
 7           interested in, the development and implementation  
 8           of activities assisted under this title; and

9           (3) coordination and nonduplication with other  
 10          Federal and State education, training, corrections,  
 11          public housing, and social service programs.

12 **SEC. 322. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**  
 13 **QUIREMENT.**

14          (a) STATE DISTRIBUTION OF FUNDS.—Each eligible  
 15          agency receiving a grant under section 311(b) for a fiscal  
 16          year—

17               (1) shall use not less than 80 percent of the  
 18               grant funds to award grants and contracts under  
 19               section 331 and to carry out section 325, of which  
 20               not more than 25 percent of such amount shall be  
 21               available to carry out section 325;

22               (2) shall use not more than 15 percent of the  
 23               grant funds to carry out State leadership activities  
 24               under section 323; and

1           ~~(3)~~ shall use not more than 5 percent of the  
 2           grant funds, or \$85,000, whichever is greater, for  
 3           the administrative expenses of the eligible agency.

4           ~~(b) MATCHING REQUIREMENT.—~~

5           ~~(1) IN GENERAL.—~~In order to receive a grant  
 6           from the Secretary under section 311(b) each eligi-  
 7           ble agency shall provide, for the costs to be incurred  
 8           by the eligible agency in carrying out the adult edu-  
 9           cation and literacy activities for which the grant is  
 10          awarded, a non-Federal contribution in an amount  
 11          that is not less than—

12                   ~~(A)~~ in the case of an eligible agency serv-  
 13                   ing an outlying area, 12 percent of the total  
 14                   amount of funds expended for adult education  
 15                   and literacy activities in the outlying area, ex-  
 16                   cept that the Secretary may decrease the  
 17                   amount of funds required under this subpara-  
 18                   graph for an eligible agency; and

19                   ~~(B)~~ in the case of an eligible agency serv-  
 20                   ing a State, 25 percent of the total amount of  
 21                   funds expended for adult education and literacy  
 22                   activities in the State.

23           ~~(2) NON-FEDERAL CONTRIBUTION.—~~An eligible  
 24           agency's non-Federal contribution required under  
 25           paragraph (1) may be provided in cash or in kind;

1       fairly evaluated, and shall include only non-Federal  
2       funds that are used for adult education and literacy  
3       activities in a manner that is consistent with the  
4       purpose of this title.

5   **SEC. 323. STATE LEADERSHIP ACTIVITIES.**

6       ~~(a) ACTIVITIES.—~~

7           ~~(1) REQUIRED.—~~Each eligible agency shall use  
8       funds made available under section 322(a)(2) for the  
9       following adult education and literacy activities to  
10      develop or enhance the adult education system of the  
11      State or outlying area:

12           ~~(A)~~ The alignment of adult education and  
13      literacy activities with other core programs and  
14      one-stop partners, including eligible providers,  
15      to implement the strategy identified in the uni-  
16      fied State plan under section 112 or the com-  
17      bined State plan under section 113, including  
18      the development of career pathways to provide  
19      access to employment and training services for  
20      individuals in adult education and literacy ac-  
21      tivities.

22           ~~(B)~~ The establishment or operation of high  
23      quality professional development programs to  
24      improve the instruction provided pursuant to  
25      local activities required under section 321(b);

1 including instruction incorporating the essential  
2 components of reading instruction as such com-  
3 ponents relate to adults; instruction related to  
4 the specific needs of adult learners; instruction  
5 provided by volunteers or by personnel of a  
6 State or outlying area; and dissemination of in-  
7 formation about models and promising practices  
8 related to such programs.

9 (C) The provision of technical assistance to  
10 eligible providers of adult education and literacy  
11 activities receiving funds under this title, in-  
12 cluding—

13 (i) the development and dissemination  
14 of instructional and programmatic prac-  
15 tices based on the most rigorous or sci-  
16 entifically valid research available and ap-  
17 propriate, in reading, writing, speaking,  
18 mathematics, English language acquisition  
19 programs, distance education, and staff  
20 training;

21 (ii) the role of eligible providers as a  
22 one-stop partner to provide access to em-  
23 ployment, education, and training services;  
24 and

1                   (iii) assistance in the use of tech-  
2                   nology, including for staff training, to eli-  
3                   gible providers, especially the use of tech-  
4                   nology to improve system efficiencies.

5                   (D) The monitoring and evaluation of the  
6                   quality of, and the improvement in, adult edu-  
7                   cation and literacy activities and the dissemina-  
8                   tion of information about models and proven or  
9                   promising practices within the State.

10                  (2) PERMISSIBLE ACTIVITIES.—Each eligible  
11                  agency may use funds made available under section  
12                  322(a)(2) for 1 or more of the following adult edu-  
13                  cation and literacy activities:

14                   (A) The support of State or regional net-  
15                   works of literacy resource centers.

16                   (B) The development and implementation  
17                   of technology applications, translation tech-  
18                   nology, or distance education, including profes-  
19                   sional development to support the use of in-  
20                   structional technology.

21                   (C) Developing and disseminating cur-  
22                   ricula, including curricula incorporating the es-  
23                   sential components of reading instruction as  
24                   such components relate to adults.

1           ~~(D)~~ The provision of technical assistance  
2           to eligible providers to support the purpose of  
3           this title.

4           ~~(E)~~ Developing content and models for in-  
5           tegrated education and training and career  
6           pathways, including the provision of technical  
7           assistance to eligible providers in the State ad-  
8           ministering such programs.

9           ~~(F)~~ The provision of assistance to eligible  
10          providers in developing and implementing pro-  
11          grams that achieve the objectives of this title  
12          and in measuring the progress of those pro-  
13          grams in achieving such objectives, including  
14          meeting the State adjusted levels of perform-  
15          ance described in section 131(b)(3).

16          ~~(G)~~ The development and implementation  
17          of a system to assist in the transition from  
18          adult education to postsecondary education, in-  
19          cluding linkages with postsecondary educational  
20          institutions or institutions of higher education.

21          ~~(H)~~ Integration of literacy and English  
22          language instruction with occupational skill  
23          training, including promoting linkages with em-  
24          ployers.

1           (I) Activities to promote workplace adult  
2 education and literacy activities.

3           (J) Activities to promote and complement  
4 local outreach initiatives described in section  
5 342(b)(3)(G).

6           (K) Identifying curriculum frameworks  
7 and aligning rigorous content standards that—

8           (i) specify what adult learners should  
9 know and be able to do in the areas of  
10 reading and language arts, mathematics,  
11 and English language acquisition; and

12           (ii) take into consideration the fol-  
13 lowing:

14           (I) State adopted academic  
15 standards.

16           (II) The current adult skills and  
17 literacy assessments used in the State  
18 or outlying area.

19           (III) The primary indicators of  
20 performance described in section 131.

21           (IV) Standards and academic re-  
22 quirements for enrollment in non-  
23 remedial, for-credit courses in postsec-  
24 ondary educational institutions or in-



1                   stitutions of higher education sup-  
2                   ported by the State or outlying area.

3                   (V) Where appropriate, the con-  
4                   tent of occupational and industry skill  
5                   standards widely used by business and  
6                   industry in the State or outlying area.

7                   (L) In cooperation with efforts funded  
8                   under section 342, development and piloting  
9                   of—

10                   (i) new and promising assessment  
11                   tools and strategies that—

12                   (I) are based on scientifically  
13                   valid research, where available and  
14                   appropriate; and

15                   (II) identify the needs and cap-  
16                   ture the gains of students at all levels;  
17                   with particular emphasis on—

18                   (aa) students at the lowest  
19                   achievement level;

20                   (bb) students who are  
21                   English language learners; and

22                   (cc) adults with learning dis-  
23                   abilities;

24                   (ii) options for improving teacher  
25                   quality and retention; and

1                   (iii) assistance in converting scientif-  
2                   ically valid research into practice.

3                   ~~(M)~~ The development and implementation  
4                   of programs and services to meet the needs of  
5                   adult learners with learning disabilities who are  
6                   English language learners.

7                   ~~(N)~~ Support for recruitment and outreach  
8                   for instructors, students, and employers.

9                   ~~(O)~~ Other activities of statewide signifi-  
10                  cance that promote the purpose of this title.

11               ~~(b)~~ COLLABORATION.—In carrying out this section,  
12               eligible agencies shall collaborate where possible, and avoid  
13               duplicating efforts, in order to maximize the impact of the  
14               activities described in subsection (a).

15               ~~(c)~~ STATE-IMPOSED REQUIREMENTS.—Whenever a  
16               State or outlying area implements any rule or policy relat-  
17               ing to the administration or operation of a program au-  
18               thorized under this title that has the effect of imposing  
19               a requirement that is not imposed under Federal law (in-  
20               cluding any rule or policy based on a State or outlying  
21               area interpretation of a Federal statute, regulation, or  
22               guideline), the State or outlying area shall identify, to eli-  
23               gible providers, the rule or policy as being imposed by the  
24               State or outlying area.

1 **SEC. 324. STATE PLAN.**

2 Each State desiring to receive funds under this title  
 3 for any fiscal year shall submit and have approved by the  
 4 Secretary and the Secretary of Labor a unified State plan  
 5 in accordance with section 112 or a combined State plan  
 6 in accordance with section 113.

7 **SEC. 325. PROGRAMS FOR CORRECTIONS EDUCATION AND**  
 8 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

9 (a) **PROGRAM AUTHORIZED.**—From funds made  
 10 available under section 322(a)(1) for a fiscal year, each  
 11 eligible agency shall carry out corrections education and  
 12 education for other institutionalized individuals.

13 (b) **USES OF FUNDS.**—The funds described in sub-  
 14 section (a) shall be used for the cost of educational pro-  
 15 grams for criminal offenders in correctional institutions  
 16 and for other institutionalized individuals, including aca-  
 17 demic programs for—

- 18 (1) adult education and literacy activities;
- 19 (2) special education, as determined by the eli-
- 20 gible agency;
- 21 (3) secondary school credit;
- 22 (4) integrated education and training;
- 23 (5) career pathways;
- 24 (6) concurrent enrollment;
- 25 (7) peer tutoring; and

1           ~~(8) transition to re-entry initiatives and other~~  
 2           ~~postrelease services with the goal of reducing recidi-~~  
 3           ~~vism.~~

4           ~~(c) PRIORITY.—Each eligible agency that is using as-~~  
 5           ~~sistance provided under this section to carry out a pro-~~  
 6           ~~gram for criminal offenders within a correctional institu-~~  
 7           ~~tion shall give priority to serving individuals who are likely~~  
 8           ~~to leave the correctional institution within 5 years of par-~~  
 9           ~~ticipation in the program.~~

10          ~~(d) REPORT.—In addition to any report required~~  
 11          ~~under section 131, each eligible agency that receives as-~~  
 12          ~~sistance provided under this section shall annually prepare~~  
 13          ~~and submit to the Secretary a report on the progress, as~~  
 14          ~~described in section 131, of the eligible agency with re-~~  
 15          ~~spect to the programs and activities carried out under this~~  
 16          ~~section, including the relative rate of recidivism for the~~  
 17          ~~criminal offenders served.~~

18          ~~(e) DEFINITIONS.—In this section:~~

19                 ~~(1) CORRECTIONAL INSTITUTION.—The term~~  
 20                 ~~“correctional institution” means any—~~

21                         ~~(A) prison;~~

22                         ~~(B) jail;~~

23                         ~~(C) reformatory;~~

24                         ~~(D) work farm;~~

25                         ~~(E) detention center; or~~

1           (F) halfway house, community-based reha-  
 2           bilitation center, or any other similar institution  
 3           designed for the confinement or rehabilitation  
 4           of criminal offenders.

5           (2) CRIMINAL OFFENDER.—The term “criminal  
 6           offender” means any individual who is charged with  
 7           or convicted of any criminal offense.

## 8           **Subtitle C—Local Provisions**

### 9   **SEC. 331. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 10           **VIDERS.**

11       (a) GRANTS AND CONTRACTS.—From grant funds  
 12       made available under section 322(a)(1), each eligible agen-  
 13       cy shall award multiyear grants or contracts, on a com-  
 14       petitive basis, to eligible providers within the State or out-  
 15       lying area to enable the eligible providers to develop, im-  
 16       plement, and improve adult education and literacy activi-  
 17       ties within the State.

18       (b) REQUIRED LOCAL ACTIVITIES.—The eligible  
 19       agency shall require that each eligible provider receiving  
 20       a grant or contract under subsection (a) use the grant  
 21       or contract to establish or operate programs that provide  
 22       adult education and literacy activities, including programs  
 23       that provide such activities concurrently.

24       (c) DIRECT AND EQUITABLE ACCESS; SAME PROC-  
 25       ESS.—

1           ~~(1) IN GENERAL.—~~Each eligible agency receiv-  
2           ing funds under this title shall ensure that—

3                   ~~(A)~~ all eligible providers have direct and  
4                   equitable access to apply and compete for  
5                   grants or contracts under this section; and

6                   ~~(B)~~ the same grant or contract announce-  
7                   ment process and application process is used  
8                   for all eligible providers in the State or outlying  
9                   area.

10           ~~(2) GAO STUDY.—~~Not later than the second  
11           program year following the date of enactment of the  
12           Workforce Investment Act of 2013, the Comptroller  
13           General shall conduct a study to determine how the  
14           provisions of paragraph ~~(1)~~ have been implemented  
15           and whether such provisions accomplished the pur-  
16           poses of such paragraph.

17           ~~(d) SPECIAL RULE.—~~Each eligible agency awarding  
18           a grant or contract under this section shall not use any  
19           funds made available under this title for adult education  
20           and literacy activities for the purpose of supporting or pro-  
21           viding programs, services, or activities for individuals who  
22           are not individuals described in subparagraphs ~~(A)~~ and  
23           ~~(B)~~ of section 303(4), except that such agency may use  
24           such funds for such purpose if such programs, services,  
25           or activities are related to family literacy activities. In pro-

1 viding family literacy activities under this title, an eligible  
 2 provider shall attempt to coordinate with programs and  
 3 services that are not assisted under this title prior to using  
 4 funds for adult education and literacy activities under this  
 5 title for activities other than activities for eligible individ-  
 6 uals.

7 (e) CONSIDERATIONS.—In awarding grants or con-  
 8 tracts under this section, the eligible agency shall con-  
 9 sider—

10 (1) the degree to which the eligible provider  
 11 would be responsive to—

12 (A) regional needs as identified in the local  
 13 plan under section 118; and

14 (B) serving individuals in the community  
 15 who were identified in such plan as most in  
 16 need of adult education and literacy activities;  
 17 including individuals—

18 (i) who have low levels of literacy  
 19 skills;

20 (ii) who have learning disabilities; or

21 (iii) who are English language learn-  
 22 ers;

23 (2) capacity, including past effectiveness in im-  
 24 proving the literacy of eligible individuals of the eli-  
 25 gible provider, to meet State-adjusted levels of per-

formance for the primary indicators of performance described in section 131 for eligible individuals, especially with respect to eligible individuals who have low levels of literacy;

(3) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 118, as well as the activities and services of the one-stop partners;

(4) whether the eligible provider's program—

(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(B) uses instructional practices that include the essential components of reading instruction;

(5) whether the eligible provider's activities are built on a strong foundation of the most rigorous research available, including scientifically valid research, and effective educational practice;

(6) whether the eligible provider's activities effectively employ advances in technology and delivery systems, including distance education;



1           (7) whether the eligible provider's activities pro-  
2       vide learning in context, including through inte-  
3       grated education and training, so that an individual  
4       acquires the skills needed to transition to and com-  
5       plete postsecondary education and training pro-  
6       grams; obtain and advance in employment leading to  
7       economic self-sufficiency; and to exercise the rights  
8       and responsibilities of citizenship;

9           (8) whether the eligible provider's activities are  
10      delivered by well-trained instructors, counselors, and  
11      administrators who meet any minimum qualifica-  
12      tions established by the State, where applicable, and  
13      who have access to high quality professional develop-  
14      ment, including through electronic means;

15          (9) whether the eligible provider's activities co-  
16      ordinate with other available education, training,  
17      and social service resources in the community, such  
18      as by establishing strong links with elementary  
19      schools and secondary schools, postsecondary edu-  
20      cational institutions, institutions of higher education,  
21      local workforce investment boards, one-stop centers,  
22      job training programs, and social service agencies;  
23      business, industry, labor organizations, community-  
24      based organizations, nonprofit organizations, and

1 intermediaries, for the development of career path-  
2 ways;

3 (10) whether the eligible provider's activities  
4 offer flexible schedules and coordination with Fed-  
5 eral, State, and local support services (such as child  
6 care, transportation, mental health services, and ea-  
7 reer planning) that are necessary to enable individ-  
8 uals, including individuals with disabilities or other  
9 special needs, to attend and complete programs;

10 (11) the capacity of the eligible provider to pro-  
11 vide integrated education and training;

12 (12) whether the eligible provider maintains a  
13 high-quality information management system that  
14 has the capacity to report measurable participant  
15 outcomes (consistent with section 131) and to mon-  
16 itor program performance;

17 (13) whether the local areas in which the eligi-  
18 ble provider is located have a demonstrated need for  
19 additional English language acquisition programs  
20 and civics education programs;

21 (14) whether reading, writing, speaking, mathe-  
22 matics, and English language acquisition instruction  
23 delivered by the eligible provider is based on the best  
24 practices derived from the most rigorous research

1 available and appropriate, including scientifically  
 2 valid research that is available and appropriate;

3 ~~(15)~~ whether the eligible provider's applications  
 4 of technology and services to be provided are suffi-  
 5 cient to increase the amount and quality of learning  
 6 and how such technology and services lead to im-  
 7 proved performance; and

8 ~~(16)~~ the capacity of the eligible provider to  
 9 serve eligible individuals with disabilities, including  
 10 individuals with learning disabilities.

11 **SEC. 332. LOCAL APPLICATION.**

12 Each eligible provider desiring a grant or contract  
 13 from an eligible agency shall submit an application to the  
 14 eligible agency containing such information and assur-  
 15 ances as the eligible agency may require, including—

16 ~~(1)~~ a description of how funds awarded under  
 17 this title will be spent consistent with the require-  
 18 ments of this title;

19 ~~(2)~~ a description of any cooperative arrange-  
 20 ments the eligible provider has with other agencies,  
 21 institutions, or organizations for the delivery of  
 22 adult education and literacy activities;

23 ~~(3)~~ a description of how the eligible provider  
 24 will provide services in alignment with the local plan  
 25 under section 118, including how such provider will

1 promote concurrent enrollment in programs and ac-  
 2 tivities under title II, as appropriate, to assist eligi-  
 3 ble individuals in accessing education and job train-  
 4 ing services;

5 (4) a description of how the eligible provider  
 6 will meet the State adjusted levels of performance  
 7 described in section 131(b)(3), including how such  
 8 provider will collect data to report on such perform-  
 9 ance indicators;

10 (5) a description of how the eligible provider  
 11 will fulfill one-stop partner responsibilities as de-  
 12 scribed in section 221(b)(1)(A), as appropriate;

13 (6) a description of how the eligible provider  
 14 will provide services in a manner that meets the  
 15 needs of eligible individuals; and

16 (7) information that addresses the consider-  
 17 ations described under section 331(e), as applicable.

18 **SEC. 333. LOCAL ADMINISTRATIVE COST LIMITS.**

19 (a) IN GENERAL.—Subject to subsection (b), of the  
 20 amount that is made available under this title to an eligi-  
 21 ble provider—

22 (1) not less than 95 percent shall be expended  
 23 for carrying out adult education and literacy activi-  
 24 ties; and

1           (2) the remaining amount, not to exceed 5 per-  
 2           cent, shall be used for planning, administration (in-  
 3           cluding carrying out the requirements of section  
 4           131), professional development, and the activities de-  
 5           scribed in paragraphs (3) and (5) of section 332.

6           (b) SPECIAL RULE.—In cases where the cost limits  
 7           described in subsection (a) are too restrictive to allow for  
 8           the activities described in subsection (a)(2), the eligible  
 9           provider shall negotiate with the eligible agency in order  
 10          to determine an adequate level of funds to be used for  
 11          noninstructional purposes.

## 12           **Subtitle D—General Provisions**

### 13          **SEC. 341. ADMINISTRATIVE PROVISIONS.**

14          (a) SUPPLEMENT NOT SUPPLANT.—Funds made  
 15          available for adult education and literacy activities under  
 16          this title shall supplement and not supplant other State  
 17          or local public funds expended for adult education and lit-  
 18          eracy activities.

19          (b) MAINTENANCE OF EFFORT.—

20               (1) IN GENERAL.—

21                   (A) DETERMINATION.—An eligible agency  
 22                   may receive funds under this title for any fiscal  
 23                   year if the Secretary finds that the fiscal effort  
 24                   per student or the aggregate expenditures of  
 25                   such eligible agency for activities under this

1 title, in the second preceding fiscal year, were  
 2 not less than 90 percent of the fiscal effort per  
 3 student or the aggregate expenditures of such  
 4 eligible agency for adult education and literacy  
 5 activities in the third preceding fiscal year.

6 (B) PROPORTIONATE REDUCTION.—Sub-  
 7 ject to paragraphs (2), (3), and (4), for any fis-  
 8 cal year with respect to which the Secretary de-  
 9 termines under subparagraph (A) that the fiscal  
 10 effort or the aggregate expenditures of an eligi-  
 11 ble agency for the preceding program year were  
 12 less than such effort or expenditures for the  
 13 second preceding program year, the Secretary—

14 (i) shall determine the percentage de-  
 15 creases in such effort or in such expendi-  
 16 tures; and

17 (ii) shall decrease the payment made  
 18 under this title for such program year to  
 19 the agency for adult education and literacy  
 20 activities by the lesser of such percentages.

21 (2) COMPUTATION.—In computing the fiscal ef-  
 22 fort and aggregate expenditures under paragraph  
 23 (1), the Secretary shall exclude capital expenditures  
 24 and special one-time project costs.

1           ~~(3)~~ DECREASE IN FEDERAL SUPPORT.—If the  
2           amount made available for adult education and lit-  
3           eracy activities under this title for a fiscal year is  
4           less than the amount made available for adult edu-  
5           cation and literacy activities under this title for the  
6           preceding fiscal year, then the fiscal effort per stu-  
7           dent and the aggregate expenditures of an eligible  
8           agency required in order to avoid a reduction under  
9           paragraph ~~(1)~~(B) shall be decreased by the same  
10          percentage as the percentage decrease in the amount  
11          so made available.

12          ~~(4)~~ WAIVER.—The Secretary may waive the re-  
13          quirements of this subsection for not more than 1  
14          fiscal year, if the Secretary determines that a waiver  
15          would be equitable due to exceptional or uncontrol-  
16          lable circumstances, such as a natural disaster or an  
17          unforeseen and precipitous decline in the financial  
18          resources of the State or outlying area of the eligible  
19          agency. If the Secretary grants a waiver under the  
20          preceding sentence for a fiscal year, the level of ef-  
21          fort required under paragraph ~~(1)~~ shall not be re-  
22          duced in the subsequent fiscal year because of the  
23          waiver.

1 **SEC. 342. NATIONAL LEADERSHIP ACTIVITIES.**

2       (a) **IN GENERAL.**—The Secretary shall establish and  
3 carry out a program of national leadership activities to  
4 enhance the quality and outcomes of adult education and  
5 literacy activities and programs nationwide.

6       (b) **REQUIRED ACTIVITIES.**—The national leadership  
7 activities described in subsection (a) shall include technical  
8 assistance, including—

9               (1) assistance to help States meet the require-  
10 ments of section 131;

11              (2) upon request by a State, assistance provided  
12 to eligible providers in using performance account-  
13 ability measures based on indicators described in  
14 section 131, and data systems for the improvement  
15 of adult education and literacy activities; and

16              (3) carrying out rigorous research and evalua-  
17 tion on effective adult education and literacy activi-  
18 ties, as well as estimating the number of adults  
19 functioning at the lowest levels of literacy pro-  
20 ficiency, which may be coordinated across relevant  
21 Federal agencies.

22       (c) **ALLOWABLE ACTIVITIES.**—The national leader-  
23 ship activities described in subsection (a) may include the  
24 following:

25              (1) Technical assistance, including—



1           (A) assistance related to professional devel-  
 2           opment activities, and assistance for the pur-  
 3           poses of developing, improving, identifying, and  
 4           disseminating the most successful methods and  
 5           techniques for providing adult education and  
 6           literacy activities, based on scientifically valid  
 7           research where available;

8           (B) assistance in distance education and  
 9           promoting and improving the use of technology  
 10          in the classroom, including through the use of  
 11          instructional models that blend in-person and  
 12          online instruction; and

13          (C) assistance in the development and dis-  
 14          semination of proven models for addressing the  
 15          digital literacy needs of adults, including older  
 16          adults.

17          (2) A program of grants, contracts, or coopera-  
 18          tive agreements awarded on a competitive basis to  
 19          national, regional, or local networks of private non-  
 20          profit organizations, public libraries, or institutions  
 21          of higher education to build the capacity of such net-  
 22          works' members to—

23               (A) meet the performance requirements,  
 24               described in section 131, of eligible providers  
 25               under this title; and

1           ~~(B)~~ involve eligible individuals in program  
2           improvement.

3           ~~(3)~~ Funding national leadership activities that  
4           are not described in paragraph (1), either directly or  
5           through grants, contracts, or cooperative agreements  
6           awarded on a competitive basis to or with postsec-  
7           ondary educational institutions, institutions of high-  
8           er education, public or private organizations or agen-  
9           cies, or consortia of such institutions, organizations,  
10          or agencies, such as—

11                 (A) developing, improving, and identifying  
12                 the most successful methods and techniques for  
13                 addressing the education needs of adults, in-  
14                 cluding instructional practices using the essen-  
15                 tial components of reading instruction based on  
16                 the work of the National Institute of Child  
17                 Health and Human Development;

18                 (B) increasing the effectiveness of, and im-  
19                 proving the quality of, adult education and lit-  
20                 eracy activities;

21                 (C) carrying out rigorous research, includ-  
22                 ing scientifically valid research where appro-  
23                 priate, on national literacy basic skill acquisi-  
24                 tion for adult learning, including estimating the

1           number of adults functioning at the lowest lev-  
2           els of literacy proficiency;

3           ~~(D)(i)~~ carrying out demonstration pro-  
4           grams, which may include programs that—

5                 (I) accelerate learning outcomes for  
6                 eligible individuals with the lowest literacy  
7                 levels;

8                 (II) develop and promote career path-  
9                 ways for eligible individuals;

10                (III) promote concurrent enrollment  
11                programs in adult education and credit  
12                bearing postsecondary coursework; and

13                (IV) develop high-quality professional  
14                development activities for eligible pro-  
15                viders;

16                (ii) disseminating best practices informa-  
17                tion, including information regarding promising  
18                practices resulting from federally funded dem-  
19                onstration programs; and

20                (iii) developing and replicating best prac-  
21                tices and innovative programs, such as—

22                       (I) programs for skill certification;

23                       (II) the identification of effective  
24                       strategies for working with adults with

1 learning disabilities and with adults who  
2 are English language learners;

3 (III) integrated education and train-  
4 ing programs;

5 (IV) programs providing adult edu-  
6 cation and literacy activities coordinated  
7 with employment services; and

8 (V) postsecondary education and  
9 training transition programs;

10 (E) providing for the conduct of an inde-  
11 pendent evaluation and assessment of adult  
12 education and literacy activities through grants  
13 and contracts awarded on a competitive basis;  
14 which evaluation and assessment shall include  
15 descriptions of—

16 (i) the effect of performance account-  
17 ability measures and other measures of ac-  
18 countability on the delivery of adult edu-  
19 cation and literacy activities;

20 (ii) the extent to which the adult edu-  
21 cation and literacy activities increase the  
22 literacy skills of eligible individuals; lead to  
23 involvement in education and training; en-  
24 hance the employment and earnings of  
25 such participants; and, if applicable, lead

1 to other positive outcomes, such as success  
2 in re-entry and reductions in recidivism in  
3 the case of prison-based adult education  
4 and literacy activities;

5 (iii) the extent to which the provision  
6 of support services to eligible individuals  
7 enrolled in adult education and literacy ac-  
8 tivities increase the rate of enrollment in,  
9 and successful completion of, such pro-  
10 grams; and

11 (iv) the extent to which different types  
12 of providers measurably improve the skills  
13 of eligible individuals in adult education  
14 and literacy activities;

15 (F) carrying out rigorous research on the  
16 relationship between instructional quality, in-  
17 cluding education levels, certification status,  
18 and experience of instructors, and the perform-  
19 ance outcomes of eligible providers consistent  
20 with section 131;

21 (G) supporting efforts aimed at capacity  
22 building of programs at the State and local lev-  
23 els such as technical assistance in program  
24 planning, assessment, evaluation, and moni-  
25 toring of activities carried out under this title;

1           (H) collecting data, such as data regarding  
2           the improvement of both local and State data  
3           systems, through technical assistance and devel-  
4           opment of model performance data collection  
5           systems;

6           (I) supporting the development of an entity  
7           that would produce and distribute technology-  
8           based programs and materials for adult edu-  
9           cation and literacy activities using an inter-  
10          connection system (as defined in section 397 of  
11          the Communications Act of 1934 (47 U.S.C.  
12          397)) and expand the effective outreach and  
13          use of such programs and materials to eligible  
14          providers;

15          (J) determining how participation in adult  
16          education and literacy activities prepares eligi-  
17          ble individuals for entry into postsecondary edu-  
18          cation and employment and, in the case of pro-  
19          grams carried out in correctional institutions,  
20          has an effect on recidivism; and

21          (K) other activities designed to enhance  
22          the quality of adult education and literacy ac-  
23          tivities nationwide.

1 **SEC. 343. INTEGRATED ENGLISH LITERACY AND CIVICS**  
 2 **EDUCATION.**

3 (a) ~~IN GENERAL.~~—From funds made available under  
 4 section 311(a)(2) for each fiscal year, the Secretary shall  
 5 award grants to States, from allotments under subsection  
 6 (b), for integrated English literacy and civics education.

7 (b) ~~ALLOTMENT.~~—

8 (1) ~~IN GENERAL.~~—Subject to paragraph (2),  
 9 from amounts made available under section  
 10 311(a)(2) for a fiscal year, the Secretary shall allo-  
 11 cate—

12 (A) 65 percent to the States on the basis  
 13 of a State's need for integrated English literacy  
 14 and civics education, as determined by calcu-  
 15 lating each State's share of a 10-year average  
 16 of the data of the Office of Immigration Statis-  
 17 tics of the Department of Homeland Security  
 18 for immigrants admitted for legal permanent  
 19 residence for the 10 most recent years; and

20 (B) 35 percent to the States on the basis  
 21 of whether the State experienced growth, as  
 22 measured by the average of the 3 most recent  
 23 years for which the data of the Office of Immi-  
 24 gration Statistics of the Department of Home-  
 25 land Security for immigrants admitted for legal  
 26 permanent residence are available.

1           (2) MINIMUM.—No State shall receive an allot-  
 2           ment under paragraph (1) in an amount that is less  
 3           than \$60,000.

## 4   **TITLE IV—AMENDMENTS TO THE** 5           **WAGNER-PEYSER ACT**

### 6   **SEC. 401. EMPLOYMENT SERVICE OFFICES.**

7           Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)  
 8   is amended by inserting “service” before “offices”.

### 9   **SEC. 402. DEFINITIONS.**

10          Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)  
 11   is amended—

12           (1) by striking paragraph (1) and inserting the  
 13          following:

14           “(1) the terms ‘chief elected official’, ‘institu-  
 15          tion of higher education’, ‘one-stop center’, ‘one-stop  
 16          partner’, ‘training services’, ‘workforce development  
 17          activity’, and ‘workplace learning advisor’, have the  
 18          meaning given the terms in section 101 of the Work-  
 19          force Investment Act of 2013;”;

20           (2) in paragraph (2)—

21           (A) by striking “investment board” each  
 22          place it appears and inserting “development  
 23          board”; and

24           (B) by striking “of 1998” and inserting  
 25          “of 2013”;



1           ~~(3)~~ in paragraph ~~(3)~~—

2                   (A) by striking “134(e)” and inserting  
3           “221(e)”; and

4                   (B) by striking “1998” and inserting  
5           “2013”;

6           (4) in paragraph (4), by striking “and” at the  
7           end;

8           (5) in paragraph (5), by striking the period and  
9           inserting “; and”; and

10           (6) by adding at the end the following:

11                   “(6) the term ‘employment service office’ means  
12           a local office of a State agency; and

13                   “(7) except in section 15, the term ‘State agen-  
14           cy’, used without further description, means an  
15           agency designated or authorized under section 4.”.

16   **SEC. 403. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**  
17                   **FICES.**

18           (a) **COORDINATION.**—Section 3(a) of the Wagner-  
19   Peyser Act (29 U.S.C. 49b(a)) is amended by striking  
20   “services” and inserting “service offices”.

21           (b) **PUBLIC LABOR EXCHANGE SERVICES SYSTEM.**—  
22   Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.  
23   49b(c)(2)) is amended by inserting “, and identify and dis-  
24   seminate information on best practices for such system”  
25   before the semicolon.

1       ~~(e) ONE-STOP CENTERS.—Section 3 of the Wagner-~~  
 2 ~~Peyser Act (29 U.S.C. 49b) is amended by inserting after~~  
 3 ~~subsection (c) the following:~~

4       ~~“(d) In order to improve service delivery, avoid dupli-~~  
 5 ~~cation of services, and enhance coordination of services,~~  
 6 ~~including location of staff to ensure access to services~~  
 7 ~~under section 7(a) statewide in underserved areas; employ-~~  
 8 ~~ment service offices in each State shall be collocated with~~  
 9 ~~one-stop centers.~~

10       ~~“(e) The Secretary, in consultation with States, is au-~~  
 11 ~~thorized to assist the States in the development of national~~  
 12 ~~electronic tools that may be used to improve access to~~  
 13 ~~workforce information for individuals through—~~

14               ~~“(1) the one-stop delivery systems established~~  
 15       ~~as described in section 221(c) of the Workforce In-~~  
 16       ~~vestment Act of 2013; and~~

17               ~~“(2) such other delivery systems as the Sec-~~  
 18       ~~retary determines to be appropriate.”.~~

19   **SEC. 404. ALLOTMENT OF SUMS.**

20       Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)  
 21 is amended—

22               (1) in subsection (a), by striking “amounts ap-  
 23 propriated pursuant to section 5” and inserting  
 24 “funds appropriated and (except for Guam) certified

1 under section 5 and made available for allotments  
 2 under this section”; and

3 ~~(2) in subsection (b)(1)—~~

4 ~~(A) in the matter preceding subparagraph~~  
 5 ~~(A)—~~

6 (i) by inserting before “the Secretary”  
 7 the following “after making the allotments  
 8 required by subsection (a),”; and

9 (ii) by striking “sums” and all that  
 10 follows through “this Act” and inserting  
 11 “funds described in subsection (a)”;  
 12

13 ~~(B) in each of subparagraphs (A) and (B),~~  
 14 by striking “sums” and inserting “remainder”;  
 15 and

16 ~~(C) by adding at the end the following:~~  
 17 “For purposes of this paragraph, the term  
 18 ‘State’ does not include Guam or the Virgin Is-  
 19 lands.”.

20 **SEC. 405. USE OF SUMS.**

21 (a) **IMPROVED COORDINATION.**—Section 7(a)(1) of  
 22 the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended  
 23 by inserting “, including unemployment insurance claim-  
 ants,” after “seekers”.

1       (b) RESOURCES FOR UNEMPLOYMENT INSURANCE  
 2 CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act  
 3 (29 U.S.C. 49f(a)(3)) is amended—

4           (1) by striking “and” at the end of subpara-  
 5 graph (E);

6           (2) in subparagraph (F)—

7               (A) by inserting “, including making eligi-  
 8 bility assessments,” after “system”; and

9               (B) by striking the period at the end and  
 10 inserting “; and”; and

11           (3) by inserting after subparagraph (F) the fol-  
 12 lowing:

13               “(G) providing unemployment insurance  
 14 claimants with referrals to, and application as-  
 15 sistance for, training and education resources  
 16 and programs, including Federal Pell Grants  
 17 under subpart 1 of part A of title IV of the  
 18 Higher Education Act of 1965 (20 U.S.C.  
 19 1070a et seq.); educational assistance under  
 20 chapter 30 of title 38, United States Code  
 21 (commonly referred to as the Montgomery GI  
 22 Bill), and chapter 33 of that title (Post-9/11  
 23 Veterans Educational Assistance); student as-  
 24 sistance under title IV of the Higher Education  
 25 Act of 1965 (20 U.S.C. 1070 et seq.); State

1 student higher education assistance, and train-  
 2 ing and education programs provided under ti-  
 3 tles II and III of the Workforce Investment Act  
 4 of 2013, and title I of the Rehabilitation Act of  
 5 1973 (29 U.S.C. 720 et seq.).”.

6 (c) STATE ACTIVITIES.—Section 7(b) of the Wagner-  
 7 Peyser Act (29 U.S.C. 49f(b)) is amended—

8 (1) in paragraph (1), by striking “performance  
 9 standards established by the Secretary” and insert-  
 10 ing “the performance accountability measures that  
 11 are based on indicators described in section  
 12 131(b)(2)(A)(i) of the Workforce Investment Act of  
 13 2013”; and

14 (2) in paragraph (2), by inserting “offices”  
 15 after “employment service”.

16 (d) PROVIDING ADDITIONAL FUNDS.—Section  
 17 7(e)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(e)(2))  
 18 is amended by striking “1998” and inserting “2013”.

19 (e) OTHER SERVICES AND ACTIVITIES.—Section 7(d)  
 20 of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is amended  
 21 by striking “1998” and inserting “2013”.

22 (f) CONFORMING AMENDMENT.—Section 7(e) of the  
 23 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by  
 24 striking “labor employment statistics” and inserting  
 25 “workforce and labor market information”.

1 **SEC. 406. STATE PLAN.**

2 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)  
3 is amended to read as follows:

4 “SEC. 8. Any State desiring to receive assistance  
5 under section 6 shall prepare and submit to, and have ap-  
6 proved by, the Secretary and the Secretary of Education,  
7 a State plan in accordance with section 112 or 113 of the  
8 Workforce Investment Act of 2013.”.

9 **SEC. 407. PERFORMANCE MEASURES.**

10 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.  
11 491(a)) is amended to read as follows:

12 “(a) The activities carried out pursuant to section 7  
13 shall be subject to the performance accountability meas-  
14 ures that are based on indicators described in section  
15 131(b)(2)(A)(i) of the Workforce Investment Act of  
16 2013.”.

17 **SEC. 408. PILOT PROJECTS.**

18 The Wagner-Peyser Act is amended by inserting after  
19 section 13 (29 U.S.C. 491) the following:

20 **“SEC. 13A. PILOT PROJECTS.**

21 “(a) GRANTS.—From funds appropriated under sub-  
22 section (f), the Secretary, in consultation with the Sec-  
23 retary of Education, shall establish and carry out a pilot  
24 program. In carrying out the program, the Secretary shall  
25 annually make not more than 5 grants, on a competitive  
26 basis, to State agencies to cooperate in the administration

1 of this Act by carrying out pilot projects that enhance the  
2 professional development and provision of services by the  
3 staff of such State agencies.

4 “(b) USE OF FUNDS.—Funds made available under  
5 this section may be used to enable a State agency to—

6 “(1) make available a broad range of career  
7 guidance services, including career planning, apti-  
8 tude and interest assessments, and provision of  
9 workforce and labor market information, and evalu-  
10 ate the outcomes for recipients of such services;

11 “(2) strengthen the capacity of the State agen-  
12 cy to identify job openings through the use of tech-  
13 nology, and through intensive outreach to small and  
14 medium size employers while using and enhancing  
15 the business and employer services authorized under  
16 this Act;

17 “(3) provide professional development and ca-  
18 reer advancement opportunities for staff of a State  
19 agency in order to upgrade their skills and com-  
20 petencies in the provision of career development ac-  
21 tivities, employer outreach, and other services au-  
22 thorized under this Act, including upgrading those  
23 skills and competencies through the training of such  
24 staff to improve their knowledge of, and ability to ef-  
25 fectively interact with, staff and programs of one-

1 stop partners and other entities administering work-  
2 force development programs;

3 “(4) in cooperation with professional organiza-  
4 tions and institutions of higher education, dem-  
5 onstrate the efficacy and value of professional  
6 credentialing for counselors of the State agency to  
7 cooperate in the administration of this Act;

8 “(5) identify and implement strategies for State  
9 agency staff to provide technical assistance and  
10 training to assist other providers of workforce devel-  
11 opment activities, including workplace learning advi-  
12 sors, in providing counseling and employment-related  
13 services to workers and job seekers, and employers;  
14 and

15 “(6) identify and implement new strategies for  
16 integrating counseling and technology to enhance the  
17 provision of employment-related services under this  
18 Act.

19 “(c) APPLICATIONS.—A State agency that seeks a  
20 grant under this section shall submit an application to the  
21 Secretary at such time, in such manner, and containing  
22 such information as the Secretary may require.

23 “(d) PRIORITY.—In awarding grants under this sec-  
24 tion, the Secretary, in consultation with the Secretary of  
25 Education, shall—



1           “(1) give priority to a State agency that—

2                 “(A) demonstrates participation by em-  
3           ployees of the agency in the planning of the  
4           proposed pilot project;

5                 “(B) demonstrates participation by the  
6           employees; or provides an assurance that the  
7           employees will participate; in the implementa-  
8           tion of the pilot project; and

9                 “(C) demonstrates that the State agency  
10          has established a partnership; or provides an  
11          assurance that the agency will establish a part-  
12          nership; with a relevant professional organiza-  
13          tion; or with an institution of higher education;  
14          and

15               “(2) ensure geographic diversity and diversity  
16          with respect to the population density of the States  
17          in which projects under this section will be carried  
18          out.

19               “(e) REPORTS.—The Secretary shall annually pre-  
20          pare and submit to the Committee on Education and  
21          Labor of the House of Representatives and the Committee  
22          on Health, Education, Labor, and Pensions of the Senate;  
23          a report assessing the projects carried out under this sec-  
24          tion and containing such recommendations for improve-  
25          ments in the provision of counseling and other employ-

1 ment-related services under this Act as the Secretary de-  
 2 termines to be appropriate.

3 “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 4 is authorized to be appropriated to carry out this section  
 5 such sums as may be necessary for each of fiscal years  
 6 2014 through 2018.”.

7 **SEC. 409. WORKFORCE AND LABOR MARKET INFORMATION**  
 8 **SYSTEM.**

9 (a) **HEADING.**—The section heading for section 15 of  
 10 the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by  
 11 striking “**EMPLOYMENT STATISTICS**” and inserting  
 12 “**WORKFORCE AND LABOR MARKET INFORMATION**  
 13 **SYSTEM**”.

14 (b) **NAME OF SYSTEM.**—Section 15(a)(1) of the Wag-  
 15 ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by  
 16 striking “employment statistics system of employment sta-  
 17 tistics” and inserting “workforce and labor market infor-  
 18 mation system”.

19 (c) **SYSTEM RESPONSIBILITIES.**—Section 15(b) of  
 20 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-  
 21 ed—

22 (1) by striking paragraph (1) and inserting the  
 23 following:

24 “(1) **IN GENERAL.**—

1           “(A) STRUCTURE.—The workforce and  
 2           labor market information system described in  
 3           subsection (a) shall be evaluated and improved  
 4           by the Secretary, in consultation with the  
 5           Workforce Information Advisory Council estab-  
 6           lished in subsection (d).

7           “(B) GRANTS AND RESPONSIBILITIES.—

8           “(i) IN GENERAL.—The Secretary  
 9           shall carry out the provisions of this sec-  
 10          tion in a timely manner, through grants to  
 11          or agreements with States.

12          “(ii) DISTRIBUTION OF FUNDS.—

13          Using amounts appropriated under sub-  
 14          section (g), the Secretary shall provide  
 15          funds through those grants and agree-  
 16          ments. In distributing the funds (relating  
 17          to workforce and labor market information  
 18          funding) for fiscal years 2014 through  
 19          2018, the Secretary shall continue to dis-  
 20          tribute the funds to States in the manner  
 21          in which the Secretary distributed funds to  
 22          the States under this section for fiscal  
 23          years 2004 through 2008.”; and

24          (2) by striking paragraph (2) and inserting the  
 25          following:

1           “(2) DUTIES.—The Secretary, with respect to  
2           data collection, analysis, and dissemination of work-  
3           force and labor market information for the system,  
4           shall carry out the following duties:

5                   “(A) Assign responsibilities within the De-  
6                   partment of Labor for elements of the work-  
7                   force and labor market information system de-  
8                   scribed in subsection (a) to ensure that the sta-  
9                   tistical and administrative data collected is con-  
10                  sistent with appropriate Bureau of Labor Sta-  
11                  tistics standards and definitions, and that the  
12                  information is accessible and understandable to  
13                  users of such data.

14                  “(B) Actively seek the cooperation of heads  
15                  of other Federal agencies to establish and main-  
16                  tain mechanisms for ensuring complementarity  
17                  and nonduplication in the development and op-  
18                  eration of statistical and administrative data  
19                  collection activities.

20                  “(C) Solicit, receive, and evaluate the rec-  
21                  ommendations from the Workforce Information  
22                  Advisory Council established in subsection (d)  
23                  concerning the evaluation and improvement of  
24                  the workforce and labor market information  
25                  system described in subsection (a) and respond

1 in writing to the Council regarding the rec-  
 2 ommendations.

3 “(D) Eliminate gaps and duplication in  
 4 statistical undertakings.

5 “(E) Through the Bureau of Labor Statis-  
 6 ties and the Employment and Training Admin-  
 7 istration, and in collaboration with States, de-  
 8 velop and maintain the elements of the work-  
 9 force and labor market information system de-  
 10 scribed in subsection (a), including the develop-  
 11 ment of consistent procedures and definitions  
 12 for use by the States in collecting the data and  
 13 information described in subparagraphs (A) and  
 14 (B) of subsection (a)(1).

15 “(F) Establish procedures for the system  
 16 to ensure that—

17 “(i) such data and information are  
 18 timely; and

19 “(ii) paperwork and reporting for the  
 20 system are reduced to a minimum.”.

21 (d) TWO-YEAR PLAN.—Section 15 of the Wagner-  
 22 Peyser Act (29 U.S.C. 491-2) is amended by striking sub-  
 23 section (c) and inserting the following:

24 “(c) TWO-YEAR PLAN.—The Secretary, acting  
 25 through the Commissioner of Labor Statistics and the As-

1   sistant Secretary for Employment and Training, and in  
2   consultation with the Workforce Information Advisory  
3   Council described in subsection (d) and heads of other ap-  
4   propriate Federal agencies, shall prepare a 2-year plan for  
5   the workforce and labor market information system. The  
6   plan shall be developed and implemented in a manner that  
7   takes into account the activities described in State plans  
8   submitted by States under section 112 or 113 of the  
9   Workforce Investment Act of 2013 and shall be submitted  
10   to the Committee on Education and the Workforce of the  
11   House of Representatives and the Committee on Health,  
12   Education, Labor, and Pensions of the Senate. The plan  
13   shall include—

14           “(1) a description of how the Secretary will  
15       work with the States to manage the nationwide  
16       workforce and labor market information system de-  
17       scribed in subsection (a) and the statewide work-  
18       force and labor market information systems that  
19       comprise the nationwide system;

20           “(2) a description of the steps to be taken in  
21       the following 2 years to carry out the duties de-  
22       scribed in subsection (b)(2);

23           “(3) an evaluation of the performance of the  
24       system, with particular attention to the improve-  
25       ments needed at the State and local levels;

1           “(4) a description of the involvement of States  
 2           in the development of the plan, through consultation  
 3           by the Secretary with the Workforce Information  
 4           Advisory Council in accordance with subsection (d);  
 5           and

6           “(5) a description of the written recommenda-  
 7           tions received from the Workforce Information Advi-  
 8           sory Council established under subsection (d), and  
 9           the extent to which those recommendations were in-  
 10          corporated into the plan.”.

11          (e) WORKFORCE INFORMATION ADVISORY COUN-  
 12          CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.  
 13          491-2) is amended by striking subsection (d) and inserting  
 14          the following:

15          “(d) WORKFORCE INFORMATION ADVISORY COUN-  
 16          CIL.—

17                 “(1) IN GENERAL.—The Secretary, through the  
 18                 Commissioner of Labor Statistics and the Assistant  
 19                 Secretary of Labor for Employment and Training,  
 20                 shall formally consult at least twice annually with  
 21                 the Workforce Information Advisory Council estab-  
 22                 lished in accordance with paragraph (2). Such con-  
 23                 sultations shall address the evaluation and improve-  
 24                 ment of the nationwide workforce and labor market  
 25                 information system described in subsection (a) and

1 the statewide workforce and labor market informa-  
 2 tion systems that comprise the nationwide system  
 3 and how the Department of Labor and the States  
 4 will cooperate in the management of such systems.  
 5 The Council shall provide written recommendations  
 6 to the Secretary concerning the evaluation and im-  
 7 provement of the nationwide system, including any  
 8 recommendations regarding the 2-year plan de-  
 9 scribed in subsection (c).

10 “(2) ESTABLISHMENT OF COUNCIL.—

11 “(A) ESTABLISHMENT.—The Secretary  
 12 shall establish an advisory council that shall be  
 13 known as the Workforce Information Advisory  
 14 Council (referred to in this section as the  
 15 ‘Council’) to participate in the consultations  
 16 and provide the recommendations described in  
 17 paragraph (1).

18 “(B) MEMBERSHIP.—The Secretary shall  
 19 appoint the members of the Council, which shall  
 20 consist of—

21 “(i) 4 members who are representa-  
 22 tives of lead State agencies with responsi-  
 23 bility for workforce investment activities,  
 24 or State agencies described in section 4,  
 25 who have been nominated by such agencies



1 or by a national organization that rep-  
2 resents such agencies;

3 “(ii) 4 members who are representa-  
4 tives of the State workforce and labor mar-  
5 ket information directors affiliated with the  
6 State agencies that perform the duties de-  
7 scribed in subsection (c)(2); who have been  
8 nominated by the directors;

9 “(iii) 1 member who is a representa-  
10 tive of providers of training services under  
11 section 222 of the Workforce Investment  
12 Act of 2013;

13 “(iv) 1 member who is a representa-  
14 tive of economic development entities;

15 “(v) 1 member who is a representative  
16 of businesses; who has been nominated by  
17 national business organizations or trade  
18 associations;

19 “(vi) 1 member who is a representa-  
20 tive of labor organizations; who has been  
21 nominated by a national labor federation;

22 “(vii) 1 member who is a representa-  
23 tive of local workforce development boards;  
24 who has been nominated by a national or-  
25 ganization representing such boards; and

1                   “(viii) 1 member who is a representa-  
 2                   tive of research entities that utilize work-  
 3                   force and labor market information.

4                   “(C) GEOGRAPHIC DIVERSITY.—The Sec-  
 5                   retary shall ensure that the membership of the  
 6                   Council is geographically diverse and that no 2  
 7                   of the members appointed under clauses (i),  
 8                   (ii), and (vii) represent the same State.

9                   “(D) PERIOD OF APPOINTMENT; VACAN-  
 10                  CIES.—

11                  “(i) IN GENERAL.—Each member of  
 12                  the Council shall be appointed for a term  
 13                  of 3 years, except that the initial terms for  
 14                  members may be 1, 2, or 3 years in order  
 15                  to establish a rotation in which one-third  
 16                  of the members are selected each year. Any  
 17                  such member may be appointed for not  
 18                  more than 2 consecutive terms.

19                  “(ii) VACANCIES.—Any member ap-  
 20                  pointed to fill a vacancy occurring before  
 21                  the expiration of the term for which the  
 22                  member’s predecessor was appointed shall  
 23                  be appointed only for the remainder of that  
 24                  term. A member may serve after the expi-

ration of that member's term until a successor has taken office.

~~“(E) TRAVEL EXPENSES.—~~The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

~~“(F) PERMANENT COUNCIL.—~~Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.”.

~~(f) STATE RESPONSIBILITIES.—~~Section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

~~(1)~~ by striking “employment statistics” each place it appears and inserting “workforce and labor market information”;

1           (2) in paragraph (1)(A) by striking “annual  
2       plan” and inserting “plan described in subsection  
3       (c)”; and

4           (3) in paragraph (2)—

5               (A) in subparagraph (G), by inserting  
6       “and” at the end;

7               (B) by striking subparagraph (H);

8               (C) in subparagraph (I), by striking “sec-  
9       tion 136(f)(2) of the Workforce Investment Act  
10      of 1998” and inserting “section 131(i)(2) of the  
11      Workforce Investment Act of 2013”; and

12              (D) by redesignating subparagraph (I) as  
13      subparagraph (H).

14       (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
15   15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is  
16   amended by striking “1999 through 2004” and inserting  
17   “2014 through 2018”.

18   **TITLE V—AMENDMENTS TO THE**  
19   **REHABILITATION ACT OF 1973**  
20   **Subtitle A—Introductory**  
21   **Provisions**

22   **SEC. 501. REFERENCES.**

23       Except as otherwise specifically provided, whenever in  
24   this title an amendment or repeal is expressed in terms  
25   of an amendment to, or repeal of, a provision, the amend-

1 ment or repeal shall be considered to be made to a provi-  
 2 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et  
 3 seq.).

4 **SEC. 502. FINDINGS, PURPOSE, POLICY.**

5 (a) FINDINGS.—Section 2(a) (29 U.S.C. 701(a)) is  
 6 amended—

7 (1) in paragraph (4), by striking “workforce in-  
 8 vestment systems under title I of the Workforce In-  
 9 vestment Act of 1998” and inserting “workforce de-  
 10 velopment systems defined in section 101 of the  
 11 Workforce Investment Act of 2013”;

12 (2) in paragraph (5), by striking “and” at the  
 13 end;

14 (3) in paragraph (6), by striking the period and  
 15 inserting “; and”; and

16 (4) by adding at the end the following:

17 “(7)(A) a high proportion of students with dis-  
 18 abilities is leaving secondary education without being  
 19 employed in competitive integrated employment, or  
 20 being enrolled in postsecondary education; and

21 “(B) there is a substantial need to support such  
 22 students as they transition from school to postsec-  
 23 ondary life.”.

24 (b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is  
 25 amended—

1           (1) in paragraph (1)—

2                 (A) in subparagraph (A), by striking  
3           “workforce investment systems implemented in  
4           accordance with title I of the Workforce Invest-  
5           ment Act of 1998” and inserting “workforce  
6           development systems defined in section 101 of  
7           the Workforce Investment Act of 2013”; and

8                 (B) at the end of subparagraph (F), by  
9           striking “and”;

10           (2) by redesignating paragraph (2) as para-  
11   graph (3);

12           (3) by inserting after paragraph (1) the fol-  
13   lowing:

14                 “(2) to maximize opportunities for individuals  
15           with disabilities, including individuals with signifi-  
16           cant disabilities, for competitive integrated employ-  
17           ment;”;

18           (4) in paragraph (3), as redesignated by para-  
19   graph (2), by striking the period at the end and in-  
20   serting a semicolon; and

21           (5) by adding at the end the following:

22                 “(4) to increase employment opportunities and  
23           employment outcomes for individuals with disabili-  
24           ties, including through encouraging meaningful  
25           input by employers and vocational rehabilitation

1 service providers on successful and prospective em-  
 2 ployment and placement strategies; and

3 “(5) to ensure, to the greatest extent possible,  
 4 that youth with disabilities and students with dis-  
 5 abilities who are transitioning from receipt of special  
 6 education services under the Individuals with Dis-  
 7 abilities Education Act (20 U.S.C. 1400 et seq.) and  
 8 receipt of services under section 504 of this Act are  
 9 either continuing their education or employed in  
 10 competitive integrated employment.”.

11 **SEC. 503. DISABILITY EMPLOYMENT SERVICES AND SUP-**  
 12 **PORTS ADMINISTRATION.**

13 Section 3 (29 U.S.C. 702) is amended—

14 (1) by striking subsection (a) and inserting the  
 15 following:

16 “(a)(1) There is established in the Department of  
 17 Labor, in the Office of Disability Employment Policy,  
 18 Services, and Supports, a Disability Employment Services  
 19 and Supports Administration. The Administration shall be  
 20 headed by a Commissioner (referred to in this Act as the  
 21 ‘Commissioner’), appointed by the President by and with  
 22 the advice and consent of the Senate. Such Administration  
 23 shall be the principal agency, and the Commissioner shall  
 24 be the principal officer, of the Department of Labor for  
 25 carrying out titles I, III, and VI.

1       ~~“(2) The Commissioner shall be an individual with~~  
 2       ~~substantial experience in programs that increase employ-~~  
 3       ~~ment opportunities for individuals with disabilities in com-~~  
 4       ~~petitive integrated employment, including through the pro-~~  
 5       ~~vision of employment services, education, training, and~~  
 6       ~~supports.~~

7       ~~“(3) In performing the functions of the office, the~~  
 8       ~~Commissioner shall be directly responsible to the Assistant~~  
 9       ~~Secretary of Disability Employment Policy, Services, and~~  
 10       ~~Supports. The functions of the Commissioner shall not be~~  
 11       ~~delegated to any other officer unless the officer is directly~~  
 12       ~~responsible to the Assistant Secretary of Disability Em-~~  
 13       ~~ployment Policy, Services, and Supports.”;~~

14               ~~(2) by redesignating subsection (b) as sub-~~  
 15       ~~section (c);~~

16               ~~(3) by inserting after subsection (a) the fol-~~  
 17       ~~lowing:~~

18       ~~“(b) The Secretary of Labor shall ensure that—~~

19               ~~“(1) the Disability Employment Services and~~  
 20       ~~Supports Administration provides effective oversight~~  
 21       ~~of, conducts monitoring of, and provides technical~~  
 22       ~~assistance to, the designated State agencies funded~~  
 23       ~~under this Act; and~~

24               ~~“(2) the staff providing such oversight, moni-~~  
 25       ~~toring, and technical assistance includes individuals~~



1 who have training in and experience with the pro-  
 2 grams administered by the Administration.”; and

3 ~~(4) in subsection (c), as redesignated by para-~~  
 4 ~~graph (2), by inserting “of Labor” after “Sec-~~  
 5 ~~retary”.~~

6 **SEC. 504. DEFINITIONS.**

7 Section 7 (29 U.S.C. 705) is amended—

8 (1) in paragraph (2)—

9 (A) in the matter preceding subparagraph  
 10 (A), by inserting after “means” the following:  
 11 “an assessment that presumes a goal of an em-  
 12 ployment outcome for all individuals with dis-  
 13 abilities (including individuals with significant  
 14 disabilities and individuals with the most sig-  
 15 nificant disabilities); and that relies on”; and

16 (B) in subparagraph (B)—

17 (i) in clause (iii), by striking “and” at  
 18 the end;

19 (ii) in clause (iv), by striking the  
 20 semicolon and inserting “; and”; and

21 (iii) by adding at the end the fol-  
 22 lowing—

23 “(v) to the maximum extent possible;  
 24 relies on information obtained from experi-  
 25 ences in integrated employment settings in

1           the community, and other integrated com-  
 2           munity settings;”;

3           (2) by striking paragraphs (3) and (4) and in-  
 4       serting the following:

5           “(3) ASSISTIVE TECHNOLOGY TERMS.—

6           “(A) ASSISTIVE TECHNOLOGY.—The term  
 7       ‘assistive technology’ has the meaning given  
 8       such term in section 3 of the Assistive Tech-  
 9       nology Act of 1998 (29 U.S.C. 3002).

10          “(B) ASSISTIVE TECHNOLOGY DEVICE.—

11       The term ‘assistive technology device’ has the  
 12       meaning given such term in section 3 of the As-  
 13       sistive Technology Act of 1998, except that the  
 14       reference in such section to the term ‘individ-  
 15       uals with disabilities’ shall be deemed to mean  
 16       more than 1 individual with a disability as de-  
 17       fined in paragraph (20)(A)).

18          “(C) ASSISTIVE TECHNOLOGY SERVICE.—

19       The term ‘assistive technology service’ has the  
 20       meaning given such term in section 3 of the As-  
 21       sistive Technology Act of 1998, except that the  
 22       reference in such section—

23               “(i) to the term ‘individual with a dis-  
 24               ability’ shall be deemed to mean an indi-

1                   vidual with a disability, as defined in para-  
2                   graph (20)(A); and

3                   “~~(ii)~~ to the term ‘individuals with dis-  
4                   abilities’ shall be deemed to mean more  
5                   than 1 such individual.”;

6                   ~~(3)~~ by redesignating paragraph ~~(5)~~ as para-  
7                   graph (4);

8                   (4) in paragraph (4), as redesignated by para-  
9                   graph ~~(3)~~—

10                  (A) by redesignating subparagraphs (O)  
11                  through (Q) as subparagraphs (P) through (R);

12                  ~~(B)~~ by inserting after subparagraph (N)  
13                  the following:

14                  “(O) customized employment services;”;  
15                  and

16                  (C) in subparagraph (R), as redesignated  
17                  by subparagraph (A) of this paragraph, by  
18                  striking “(P)” and inserting “(Q)”;

19                  ~~(5)~~ by inserting before paragraph (6) the fol-  
20                  lowing:

21                  “~~(5)~~ COMPETITIVE INTEGRATED EMPLOY-  
22                  MENT.—

23                  “(A) IN GENERAL.—The term ‘competitive  
24                  integrated employment’ means work, including

1 self-employment, performed by an employee who  
2 is an individual with a disability—

3 “(i) that is compensated—

4 “(I) at a rate that—

5 “(aa) is the same rate as the  
6 rate for other employees who are  
7 not individuals with disabilities;  
8 and who are similarly situated in  
9 similar occupations by the same  
10 employer and who have similar  
11 training, experience, and skills;  
12 and

13 “(bb) shall be in accordance  
14 with the applicable law, but in no  
15 event less than the higher of the  
16 rate specified in section 6(a)(1)  
17 of the Fair Labor Standards Act  
18 of 1938 (29 U.S.C. 206(a)(1)) or  
19 the applicable State or local min-  
20 imum wage law; or

21 “(H) in the case of an individual  
22 who is self-employed, at an income  
23 that is comparable to the income re-  
24 ceived by other individuals who are  
25 not individuals with disabilities; and

1           who are self-employed in similar occu-  
2           pations or on similar tasks and who  
3           have similar training, experience, and  
4           skills;

5           “(ii) due to which the employee is eli-  
6           gible for the same employment benefits as  
7           are provided to other employees;

8           “(iii) that is at a location where the  
9           employee has the opportunity to interact  
10          with other employees who are not individ-  
11          uals with disabilities (not including super-  
12          visory personnel); and

13          “(iv) that presents opportunities for  
14          advancement that are equivalent to those  
15          for other employees who are not individ-  
16          uals with disabilities and who have com-  
17          parable positions.

18          ~~“(B) INCLUSION OF CUSTOMIZED OR SUP-~~  
19          ~~PORTED EMPLOYMENT.—~~The term ‘competitive  
20          integrated employment’ includes integrated em-  
21          ployment resulting from the provision of cus-  
22          tomized employment strategies or supported  
23          employment services, as long as the work in-  
24          volved satisfies the criteria described in sub-  
25          paragraph (A).’;

1           (6) in paragraph (6)(B), by striking “includes”  
 2           and all that follows through “fees” and inserting  
 3           “includes architects’ fees”;

4           (7) by inserting after paragraph (6) the fol-  
 5           lowing:

6           “(7) CUSTOMIZED EMPLOYMENT.—The term  
 7           ‘customized employment’ means competitive inte-  
 8           grated employment, for an individual with a signifi-  
 9           cant disability, that is based on an individualized de-  
 10          termination of the strengths, needs, and interests of  
 11          the individual with a significant disability, is de-  
 12          signed to meet the specific abilities of the individual  
 13          with a significant disability and the business needs  
 14          of the employer, and is carried out through flexible  
 15          strategies, such as—

16                   “(A) job exploration by the individual; and

17                   “(B) working with an employer to facili-  
 18           tate placement, including—

19                           “(i) customizing a job description  
 20                           based on current employer needs or on pre-  
 21                           viously unidentified and unmet employer  
 22                           needs;

23                           “(ii) developing a set of job duties, a  
 24                           work schedule and job arrangement, and  
 25                           specifics of supervision (including perform-

1           ance evaluation and review); and deter-  
 2           mining a job location;

3           ~~“(iii) representation by a professional~~  
 4           ~~chosen by the individual; or self-represen-~~  
 5           ~~tation of the individual; in working with an~~  
 6           ~~employer to facilitate placement; and~~

7           ~~“(iv) providing services and supports~~  
 8           ~~at the job location.”;~~

9           (8) in paragraph (9)(B), by striking “14,” and  
 10          inserting “14, 14A,”;

11          (9) in paragraph (11)—

12           (A) in subparagraph (A), by striking  
 13           “competitive” and all that follows and inserting  
 14           “competitive integrated employment,”; and

15           (B) in subparagraph (C)—

16           (i) by inserting “of Labor” after  
 17           “Secretary”; and

18           (ii) by inserting “customized employ-  
 19           ment,” before “self-employment,”;

20          (10) in paragraph (12), by inserting “of Labor”  
 21          after “Secretary” each place it appears;

22          (11) in paragraph (14)(C), by inserting “of  
 23          Labor” after “Secretary”;

24          (12) in paragraph (17)—

1           (A) by striking the “and” at the end of  
2           subparagraph (C);

3           (B) in subparagraph (D), by striking the  
4           period at the end and inserting a semicolon;  
5           and

6           (C) by adding at the end the following:

7           “(E) services that—

8               “(i) facilitate the transition of individ-  
9               uals with significant disabilities from nurs-  
10              ing homes and other institutions to home  
11              and community-based residences, with the  
12              requisite supports and services;

13              “(ii) provide assistance to individuals  
14              with significant disabilities who are at risk  
15              of entering institutions so that the individ-  
16              uals may remain in the community; and

17              “(iii) facilitate the transition of youth  
18              (including students) who are individuals  
19              with significant disabilities, who were eligi-  
20              ble for individualized education programs  
21              under section 614(d) of the Individuals  
22              with Disabilities Education Act (20 U.S.C.  
23              1414(d)), and who have completed their  
24              secondary education or otherwise left



1 school, to postsecondary life, including em-  
 2 ployment; and

3 “(F) services to promote full access to  
 4 community life.”;

5 (13) in paragraph (18), by striking “term” and  
 6 all that follows through “includes—” and inserting  
 7 “term ‘independent living services’ includes—”;

8 (14) in paragraph (20)(B)—

9 (A) by striking “14,” and inserting “14,  
 10 14A,”; and

11 (B) by striking “and VII” and inserting  
 12 “VII, and VIII”;

13 (15) in paragraph (23), by striking “section  
 14 101” and inserting “section 102”;

15 (16) by striking paragraph (25) and inserting  
 16 the following:

17 “(25) LOCAL WORKFORCE DEVELOPMENT  
 18 BOARD.—The term ‘local workforce development  
 19 board’ means a local board, as defined in section  
 20 101 of the Workforce Investment Act of 2013.”;

21 (17) by striking paragraph (37);

22 (18) by redesignating paragraphs (29) through  
 23 (39) as paragraphs (31) through (36), and (38)  
 24 through (41), respectively;

1           (19) by inserting after paragraph (28) the fol-  
 2       lowing:

3           “(29) POSTEMPLOYMENT SERVICE.—The term  
 4       ‘postemployment service’ means a service identified  
 5       under section 103(a) that is—

6           “(A) provided subsequent to the achieve-  
 7       ment of an employment outcome; and

8           “(B) necessary for an individual to main-  
 9       tain or regain competitive integrated employ-  
 10      ment, consistent with the individual’s strengths,  
 11      resources, priorities, concerns, abilities, capa-  
 12      bilities, interests, and informed choice.

13          “(30) PRE-EMPLOYMENT TRANSITION SERV-  
 14      ICES.—

15          “(A) IN GENERAL.—The term ‘pre-employ-  
 16      ment transition services’ means a coordinated  
 17      set of activities for a student with a disability  
 18      who is eligible or potentially eligible for services  
 19      under title I, designed within an outcome-ori-  
 20      ented process, that promotes movement from  
 21      school to postschool activities, including post-  
 22      secondary education, vocational training, com-  
 23      petitive integrated employment (including sup-  
 24      ported employment), adult education, adult

1 services, independent living, or community par-  
 2 ticipation.

3 “(B) SPECIFIC SERVICES.—The term ‘pre-  
 4 employment transition services’ means a set of  
 5 services, that is available to students with dis-  
 6 abilities who are eligible or potentially eligible  
 7 for services under title I, and that makes avail-  
 8 able—

9 “(i) job exploration counseling;

10 “(ii) work-based learning experience,  
 11 such as in-school or after school work ex-  
 12 perience, or work experience outside the  
 13 traditional school setting (such as experi-  
 14 ence through job training or internships),  
 15 that is provided in an integrated environ-  
 16 ment to the maximum extent possible;

17 “(iii) counseling on opportunities for  
 18 enrollment in a comprehensive transition  
 19 or postsecondary educational program at  
 20 an institution of higher education;

21 “(iv) school-based preparatory em-  
 22 ployment experiences such as role playing,  
 23 social skills development, and independent  
 24 living training, coordinated with any tran-  
 25 sition services provided by the local edu-

1            educational agency under the Individuals with  
 2            Disabilities Education Act (20 U.S.C.  
 3            1400 et seq.); and

4            “(v) instruction in self-advocacy, indi-  
 5            vidual rights, self-determination skills, and  
 6            the informed consent process, as well as  
 7            peer mentoring.

8            “(C) COORDINATED SET OF ACTIVITIES.—

9            For purposes of subparagraph (A), the coordi-  
 10          nated set of activities shall be provided in a  
 11          manner that leverages appropriate resources  
 12          and services available outside the vocational re-  
 13          habilitation program described in title I and  
 14          shall be based on the individual needs of a stu-  
 15          dent with a disability, taking into account the  
 16          student’s preferences and interests, and shall  
 17          include education and training, community ex-  
 18          periences, the development of employment and  
 19          other adult living objectives, and, when appro-  
 20          priate, acquisition of daily living skills and  
 21          functional vocational evaluation.”;

22          (20) by striking paragraph (33), as redesign-  
 23          nated by paragraph (18), and inserting the fol-  
 24          lowing:

1           “(33) SECRETARY.—Unless where the context  
2 otherwise requires, the term ‘Secretary’—

3           “(A) used in title I, III, V, VI, or VIII,  
4 means the Secretary of Labor; and

5           “(B) used in title II or VII, means the  
6 Secretary of Health and Human Services.”;

7           (21) by striking paragraphs (35) and (36), as  
8 redesignated by paragraph (18), and inserting the  
9 following:

10           “(35) STATE WORKFORCE DEVELOPMENT  
11 BOARD.—The term ‘State workforce development  
12 board’ means a State board, as defined in section  
13 101 of the Workforce Investment Act of 2013.

14           “(36) STATEWIDE WORKFORCE DEVELOPMENT  
15 SYSTEM.—The term ‘statewide workforce develop-  
16 ment system’ means a workforce development sys-  
17 tem, as defined in section 101 of the Workforce In-  
18 vestment Act of 2013.”;

19           (22) by inserting after that paragraph (36) the  
20 following:

21           “(37) STUDENT WITH A DISABILITY.—

22           “(A) IN GENERAL.—The term ‘student  
23 with a disability’ means an individual with a  
24 disability who—

1           “(i) attends an elementary school, sec-  
 2           ondary school, or institution of higher edu-  
 3           cation;

4           “(ii)(I)(aa) is not younger than the  
 5           earliest age for the provision of transition  
 6           services                   under                   section  
 7           614(d)(1)(A)(i)(VIII) of the Individuals  
 8           with Disabilities Education Act (20 U.S.C.  
 9           1414(d)(1)(A)(i)(VIII)); or

10          “(bb) if the State involved elects to  
 11          use a lower minimum age for receipt of  
 12          pre-employment transition services under  
 13          this Act, is not younger than that min-  
 14          imum age; and

15          “(II)(aa) is not older than 21 years of  
 16          age; or

17          “(bb) if the State law for the State  
 18          provides for a higher maximum age for re-  
 19          ceipt of services under the Individuals with  
 20          Disabilities Education Act (20 U.S.C.  
 21          1400 et seq.), is not older than that max-  
 22          imum age; and

23          “(iii)(I) is eligible for, and receiving,  
 24          special education or related services under

1           part B of the Individuals with Disabilities  
2           Education Act (20 U.S.C. 1411 et seq.); or

3           “(H) is an individual with a disability;  
4           for purposes of section 504.

5           “(B) STUDENTS WITH DISABILITIES.—The  
6           term ‘students with disabilities’ means more  
7           than 1 student with a disability.”;

8           (23) by striking paragraphs (38) and (39), as  
9           redesignated by paragraph (18), and inserting the  
10          following:

11          “(38) SUPPORTED EMPLOYMENT.—The term  
12          ‘supported employment’ means competitive inte-  
13          grated employment, including customized employ-  
14          ment, that is individualized and customized con-  
15          sistent with the strengths, abilities, interests, and in-  
16          formed choice of the individuals involved, for individ-  
17          uals with the most significant disabilities—

18               “(A)(i) for whom competitive integrated  
19               employment has not historically occurred; or

20               “(ii) for whom competitive integrated em-  
21               ployment has been interrupted or intermittent  
22               as a result of a significant disability; and

23               “(B) who, because of the nature and sever-  
24               ity of their disability, need intensive supported  
25               employment services and may need extended

1 services after the transition described in para-  
2 graph (13)(C), in order to perform the work in-  
3 volved.

4 “(39) SUPPORTED EMPLOYMENT SERVICES.—

5 The term ‘supported employment services’ means  
6 ongoing support services, including customized em-  
7 ployment, needed to support and maintain an indi-  
8 vidual with a most significant disability in supported  
9 employment, that—

10 “(A) are provided singly or in combination  
11 and are organized and made available in such  
12 a way as to assist an eligible individual to  
13 achieve an employment outcome in competitive  
14 integrated employment;

15 “(B) are based on a determination of the  
16 needs of an eligible individual, as specified in an  
17 individualized plan for employment; and

18 “(C) are provided by the designated State  
19 unit for a period of not more than 24 months;  
20 except that that period may be extended, if nec-  
21 essary, in order to achieve the employment out-  
22 come identified in the individualized plan for  
23 employment.”;



1           (24) in paragraph (41), as redesignated by  
 2           paragraph (18), by striking “1998” and inserting  
 3           “2013”; and

4           (25) by inserting after paragraph (41), as re-  
 5           designated by paragraph (18), the following:

6           “(42) YOUTH WITH A DISABILITY.—

7                   “(A) IN GENERAL.—The term ‘youth with  
 8           a disability’ means an individual with a dis-  
 9           ability who—

10                   “(i) is not younger than 14 years of  
 11                   age; and

12                   “(ii) is not older than 25 years of age.

13                   “(B) YOUTH WITH DISABILITIES.—The  
 14           term ‘youth with disabilities’ means more than  
 15           1 youth with a disability.”.

16 **SEC. 505. ADMINISTRATION OF THE ACT.**

17           (a) PROMULGATION.—Section 8(a)(2) (29 U.S.C.  
 18   706(a)(2)) is amended by inserting “of Labor” after “Sec-  
 19   retary”.

20           (b) ADMINISTRATION BY THE SECRETARY OF  
 21   LABOR.—Section 12 (29 U.S.C. 709) is amended—

22                   (1) in the section header, by striking “OF THE  
 23           ACT” and inserting “BY THE SECRETARY OF  
 24           LABOR”;

25                   (2) in subsection (a)—

1                   (A) in paragraph (1)—

2                   (i) by striking “(1)” and inserting  
3                   “~~(1)(A)~~”; and

4                   (ii) by adding at the end the fol-  
5                   lowing:

6                   “~~(B)~~ provide technical assistance to the des-  
7                   ignated State units on developing successful partner-  
8                   ships with local and multi-State businesses in an ef-  
9                   fort to increase the employment of individuals with  
10                  disabilities;

11                  “~~(C)~~ provide technical assistance to providers  
12                  and organizations on developing self-employment op-  
13                  portunities and outcomes for individuals with dis-  
14                  abilities; and

15                  “~~(D)~~ provide technical assistance to entities  
16                  carrying out community rehabilitation programs to  
17                  build their internal capacity to provide individualized  
18                  services and supports leading to competitive inte-  
19                  grated employment, and to transition individuals  
20                  with disabilities away from nonintegrated settings;”;  
21                  and

22                  (B) in paragraph (2), by striking “, cen-  
23                  ters for independent living;”;

24                  (3) in subsections (d), (e), and (f), by inserting  
25                  “of Labor” after “Secretary” each place it appears;

(6) by inserting after subsection (f) the following:

(c) ADMINISTRATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Act is amended by inserting after section 12 (29 U.S.C. 709) the following:

18       “(a) **AUTHORITIES.**—In carrying out the purposes of  
19   this Act, the IIA Director may—

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1       pendent living for individuals with disabilities in  
2       community activities;

3           ~~“(2) provide short-term training and technical~~  
4       ~~instruction, including training for the personnel of~~  
5       ~~centers for independent living and Statewide Inde-~~  
6       ~~pendent Living Councils;~~

7           ~~“(3) conduct special projects and demonstra-~~  
8       ~~tions;~~

9           ~~“(4) collect, prepare, publish, and disseminate~~  
10      ~~educational or informational materials, including re-~~  
11      ~~ports of the projects for which funds are provided~~  
12      ~~under this Act; and~~

13          ~~“(5) provide monitoring and conduct evalua-~~  
14      ~~tions.~~

15      ~~“(b) AUTHORITIES CONCERNING OTHER AGEN-~~  
16      ~~CIES.—~~

17          ~~“(1) SERVICES AND FACILITIES.—In carrying~~  
18      ~~out the duties under this Act, the HLA Director may~~  
19      ~~utilize the services and facilities of any agency of the~~  
20      ~~Federal Government and of any other public or non-~~  
21      ~~profit agency or organization, in accordance with~~  
22      ~~agreements between the HLA Director and the head~~  
23      ~~thereof, and may pay therefor, in advance or by way~~  
24      ~~of reimbursement, as may be provided in the agree-~~  
25      ~~ment.~~

1           ~~“(2) TASK FORCES.—In carrying out the provi-~~  
 2           ~~sions of this Act, the HLA Director shall appoint~~  
 3           ~~such task forces as may be necessary to collect and~~  
 4           ~~disseminate information in order to improve the abil-~~  
 5           ~~ity of the HLA Director to carry out the provisions~~  
 6           ~~of this Act.~~

7           ~~“(c) REGULATIONS GENERALLY.—The Secretary of~~  
 8           ~~Health and Human Services may promulgate such regula-~~  
 9           ~~tions as are considered appropriate to carry out the HLA~~  
 10          ~~Director’s duties under this Act.~~

11          ~~“(d) REGULATIONS TO IMPLEMENT THE WORK-~~  
 12          ~~FORCE INVESTMENT ACT OF 2013.—Not later than 180~~  
 13          ~~days after the date of enactment of the Workforce Invest-~~  
 14          ~~ment Act of 2013, the Secretary of Health and Human~~  
 15          ~~Services shall receive public comment and promulgate reg-~~  
 16          ~~ulations to implement the amendments made by the Work-~~  
 17          ~~force Investment Act of 2013.~~

18          ~~“(e) NECESSITY.—In promulgating regulations to~~  
 19          ~~carry out this Act, the Secretary of Health and Human~~  
 20          ~~Services shall promulgate only regulations that are nec-~~  
 21          ~~essary to administer and ensure compliance with the spe-~~  
 22          ~~cific requirements of this Act.~~

23          ~~“(f) APPLICATION.—In this section, a reference to~~  
 24          ~~‘this Act’ means a provision of this Act that the Secretary~~  
 25          ~~of Health and Human Services has authority to carry out.~~

1       ~~“(g) AUTHORIZATION OF APPROPRIATIONS.—There~~  
 2       are authorized to be appropriated to carry out this section  
 3       such sums as may be necessary.”.

4       **SEC. 506. REPORTS.**

5       Section ~~13~~ (29 U.S.C. 710) is amended—

6               ~~(1) in section (e)—~~

7                       ~~(A) by striking “(e)” and inserting~~  
 8                       ~~“(e)(1)”;~~

9                       ~~(B) in the second sentence, by striking~~  
 10                      ~~“section 136(d) of the Workforce Investment~~  
 11                      ~~Act of 1998” and inserting “section 131(d)(2)~~  
 12                      ~~of the Workforce Investment Act of 2013”; and~~

13                      ~~(C) by adding at the end the following:~~

14       ~~“(2) The HLA Director described in section 701A~~  
 15       shall include, in the annual report, information on the ex-  
 16       tent to which centers for independent living receiving  
 17       funds under part C of title VII have complied with the  
 18       standards and assurances set forth in section 725. The  
 19       HLA Director may identify individual centers for inde-  
 20       pendent living in the analysis contained in that informa-  
 21       tion. The HLA Director shall include in the report the re-  
 22       sults of onsite compliance reviews, identifying individual  
 23       centers for independent living and other recipients of as-  
 24       sistance under part C of title VII.”; and

25               ~~(2) by adding at the end the following:~~

1       “(d)(1)(A) The Commissioner shall ensure that the  
2 reports, information, and data described in subparagraph  
3 (B) are made publicly available in a timely manner, includ-  
4 ing through electronic means, in order to inform the public  
5 about the administration and performance of programs in  
6 each State under this Act.

7       “(B) The reports, information, and data referred to  
8 in subparagraph (A) shall consist of—

9           “(i) reports submitted by a designated State  
10 agency or designated State unit under this Act;

11           “(ii) accountability information, including State  
12 performance information relating to evaluation  
13 standards and performance indicators, and addi-  
14 tional performance accountability indicators, under  
15 section 106, including information on compliance  
16 with such standards, indicators, and measures, relat-  
17 ing to individuals with disabilities, submitted by a  
18 designated State agency or designated State unit  
19 under this Act, or submitted by a State to the Sec-  
20 retary of Labor or the Secretary of Education under  
21 section 131 of the Workforce Investment Act of  
22 2013;

23           “(iii) data collected from each designated State  
24 unit under this Act with the approval of the Office  
25 of Management and Budget, which shall be made

1 publicly available in the aggregate, and in a manner  
2 that will not reveal personally identifiable informa-  
3 tion; and

4 “(iv) reports from monitoring conducted under  
5 this Act, including relevant reports required under  
6 section 131 of the Workforce Investment Act of  
7 2013 and other relevant reports, information, and  
8 data required under title I of such Act.

9 “(C)(i) The Commissioner shall ensure that the infor-  
10 mation described in clause (ii) is made publicly available  
11 in a timely manner, including through electronic means.

12 “(ii) The information referred to in clause (i) is—

13 “(I) the reports, information, and data required  
14 to be submitted by designated State units or des-  
15 ignated State agencies under this Act;

16 “(II) evaluations, studies, and audits conducted  
17 by Federal agencies, concerning programs carried  
18 out under this Act; and

19 “(III) a list that specifies the designated State  
20 unit or designated State agency for each State, in-  
21 cluding a link to the website maintained by each  
22 such unit or agency.

23 “(2) The Commissioner shall maintain public use  
24 read-only access to the State and aggregated reports, and  
25 analyzed data, concerning programs carried out under this



1 Act, that are filed and maintained in the Disability Em-  
 2 ployment Services and Supports Administration manage-  
 3 ment information system or a system maintained by the  
 4 Department of Labor.”.

5 **SEC. 507. EVALUATION AND INFORMATION.**

6 (a) EVALUATION BY THE SECRETARY OF LABOR.—  
 7 Section 14 (29 U.S.C. 711)—

8 (1) in the section header, by striking “EVALUA-  
 9 TION” and inserting “EVALUATION BY THE SEC-  
 10 RETARY OF LABOR”;

11 (2) by inserting “of Labor” after “Secretary”  
 12 each place it appears;

13 (3) in subsection (f)(2), by striking “non-  
 14 integrated to integrated employment” and inserting  
 15 “nonintegrated to competitive integrated employ-  
 16 ment”;

17 (4) by redesignating subsection (g) as sub-  
 18 section (h); and

19 (5) by inserting after subsection (f) the fol-  
 20 lowing:

21 “(g) In this section, a reference to ‘this Act’ means  
 22 a provision of this Act that the Secretary of Labor has  
 23 authority to carry out.”.

1       (b) **EVALUATION BY THE SECRETARY OF HEALTH**  
2 **AND HUMAN SERVICES.**—The Act is amended by inserting  
3 after section 14 (29 U.S.C. 711) the following:

4 **“SEC. 14A. EVALUATION BY THE SECRETARY OF HEALTH**  
5 **AND HUMAN SERVICES.**

6       “(a) **IN GENERAL.**—For the purpose of improving  
7 program management and effectiveness, the Secretary of  
8 Health and Human Services, in consultation with the H&A  
9 Director, shall evaluate all the programs authorized by  
10 this Act, their general effectiveness in relation to their  
11 cost, their impact on related programs, and their structure  
12 and mechanisms for delivery of services, using appropriate  
13 methodology and evaluative research designs. The Sec-  
14 retary of Health and Human Services shall establish and  
15 use standards for the evaluations required by this sub-  
16 section. Such an evaluation shall be conducted by a person  
17 not immediately involved in the administration of the pro-  
18 gram evaluated.

19       “(b) **PARTICIPANT OPINIONS.**—In carrying out eval-  
20 uations under this section, the Secretary of Health and  
21 Human Services shall obtain the opinions of program and  
22 project participants about the strengths and weaknesses  
23 of the programs and projects.

24       “(c) **PROPERTY.**—The Secretary of Health and  
25 Human Services shall take the necessary action to assure

1 that all studies, evaluations, proposals, and data produced  
 2 or developed with Federal funds under this Act shall be-  
 3 come the property of the United States.

4 “(d) INFORMATION.—Such information as the Sec-  
 5 retary of Health and Human Services may determine to  
 6 be necessary for purposes of the evaluations conducted  
 7 under this section shall be made available upon request  
 8 of the Secretary, by the departments and agencies of the  
 9 executive branch.

10 “(e) INFORMATION ON INDEPENDENT LIVING.—The  
 11 HHA Director shall identify and disseminate information  
 12 on exemplary practices concerning independent living serv-  
 13 ices and centers for independent living.

14 “(f) APPLICATION.—In this section, a reference to  
 15 ‘this Act’ means a provision of this Act that the Secretary  
 16 of Health and Human Services has authority to carry out.

17 “(g) AUTHORIZATION.—There are authorized to be  
 18 appropriated to carry out this section such sums as may  
 19 be necessary.”

20 (e) INFORMATION.—Section 15 (29 U.S.C. 712) is  
 21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “of Labor” after “Sec-  
 24 retary” each place it appears; and

1           (B) in paragraph (1), by striking “State  
 2           workforce investment boards” and inserting  
 3           “State workforce development boards”; and  
 4           (2) in subsection (b), by striking “Secretary to  
 5           develop within the Department of Education” and  
 6           inserting “Secretary of Labor to develop, within the  
 7           Department of Labor,”.

8 **SEC. 508. CARRYOVER.**

9           Section 19 (29 U.S.C. 716) is amended—

10           (1) in subsection (a)(1), by striking “part B of  
 11           title I” and all that follows through “including” and  
 12           inserting “part B of title I (except the client assist-  
 13           ance program funded under section 112), part B of  
 14           title VI, chapter 1 of title VII, or chapter 2 of title  
 15           VII (except as provided in section 753(b)), includ-  
 16           ing”; and

17           (2) by adding at the end the following:

18           “(e) CLIENT ASSISTANCE PROGRAM; PROTECTION  
 19           AND ADVOCACY OF INDIVIDUAL RIGHTS.—

20           “(1) APPROPRIATED AMOUNTS.—Notwith-  
 21           standing any other provision of law, any funds ap-  
 22           propriated for a fiscal year to carry out a grant pro-  
 23           gram under section 112 or 509 (except as provided  
 24           in section 509(b)), including any funds reallocated  
 25           during that fiscal year under such grant program;

that are not obligated and expended by a recipient prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipient during such succeeding fiscal year.

“(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amount of program income received by a recipient under a grant program under section 112 or 509 in a fiscal year that is not obligated and expended by the recipient prior to the beginning of the succeeding fiscal year, shall remain available until the end of the second fiscal year after the fiscal year in which it was received.”.

**SEC. 509. TRADITIONALLY UNDERSERVED POPULATIONS.**

Section 21 (29 U.S.C. 718) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) RACIAL PROFILE.—The demographic profile of the United States is changing at an unprecedented rate, with the population of the Nation becoming far more ethnically diverse than in the past. Within the United States, while the percentage increase from 2000 to 2010 for white Americans was 9.7 percent, the percentage increase during that period for racial and ethnic minorities was much higher: 43.0 percent for Latinos, 12.3 percent for Afri-

1        ~~can-Americans, and 43.2 percent for Asian-Ameri-~~  
 2        ~~eans. By the year 2020, the Nation is projected to~~  
 3        ~~have a population of 341,000,000, and the percent-~~  
 4        ~~age of the population that will be either Latino, Af-~~  
 5        ~~rican-American, or Asian-American is projected to~~  
 6        ~~be over 40 percent.~~

7            ~~“(2) RATE OF DISABILITY.—Ethnic and racial~~  
 8        ~~minorities tend to have disabling conditions at a dis-~~  
 9        ~~proportionately high rate. In 2011—~~

10            ~~“(A) among Americans ages 16 through~~  
 11        ~~64, the rate of disability was 12.1 percent;~~

12            ~~“(B) among African-Americans in that age~~  
 13        ~~range, the disability rate was more than twice~~  
 14        ~~as high, at 27.1 percent; and~~

15            ~~“(C) for American Indians and Native~~  
 16        ~~Alaskans in the same age range, the disability~~  
 17        ~~rate was also more than twice as high, at 27.0~~  
 18        ~~percent.”;~~

19        ~~(2) in subsection (b)(1)—~~

20            ~~(A) by striking “National Institute on Dis-~~  
 21        ~~ability and Rehabilitation Research” and insert-~~  
 22        ~~ing “National Institute on Disability, Inde-~~  
 23        ~~pendent Living, and Rehabilitation Research”;~~  
 24        ~~and~~

1                   (B) by striking “1 percent” and inserting  
2                   “2 percent”.

3                   **Subtitle B—Vocational**  
4                   **Rehabilitation Services**

5   **SEC. 511. DECLARATION OF POLICY; AUTHORIZATION OF**  
6                   **APPROPRIATIONS.**

7           (a) **FINDINGS; PURPOSE; POLICY.**—Section 100(a)  
8   (29 U.S.C. 720(a)) is amended—

9                   (1) in paragraph (1)—

10                   (A) in subparagraph (C), by striking  
11                   “gainful employment in integrated settings”  
12                   and inserting “gainful employment in competi-  
13                   tive integrated employment settings”;

14                   (B) in subparagraph (D)(iii), by striking  
15                   “medicare and medicaid” and inserting “Medi-  
16                   care and Medicaid”; and

17                   (C) in subparagraph (G)—

18                   (i) by striking “workforce investment  
19                   systems” and inserting “workforce develop-  
20                   ment systems”; and

21                   (ii) by striking “workforce investment  
22                   activities” and inserting “workforce devel-  
23                   opment activities”;

24                   (2) in paragraph (2)—

1           (A) in subparagraph (A), by striking  
 2           “workforce investment system” and inserting  
 3           “workforce development system”; and

4           (B) in subparagraph (B), by striking  
 5           “gainful employment” and inserting “high qual-  
 6           ity employment that will increase opportunities  
 7           for economic self-sufficiency”; and  
 8           (3) in paragraph (3)—

9           (A) in subparagraph (B), by striking  
 10           “gainful employment in integrated settings”  
 11           and inserting “competitive integrated employ-  
 12           ment”; and

13           (B) in subparagraph (E), by inserting  
 14           “should” before “facilitate”.

15       (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
 16 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking  
 17 “fiscal years 1999 through 2003” and inserting “fiscal  
 18 years 2014 through 2018”.

19 **SEC. 512. STATE PLANS.**

20       (a) **PLAN REQUIREMENTS.**—Section 101(a) (29  
 21 U.S.C. 721(a)) is amended—

22           (1) in paragraph (1)—

23           (A) in subparagraph (A), by striking “to  
 24           participate” and all that follows and inserting  
 25           “to receive funds under this title for a fiscal



year, a State shall submit, and have approved by the Secretary and the Secretary of Education a unified State plan in accordance with section 112, or a combined State plan in accordance with section 113, of the Workforce Investment Act of 2013. The unified or combined State plan shall include, in the portion of the plan described in section 112(b)(2)(D) of such Act (referred to in this subsection as the ‘vocational rehabilitation services portion’), the provisions of a State plan for vocational rehabilitation services, described in this subsection.”;

(B) in subparagraph (B)—

(i) by striking “in the State plan for vocational rehabilitation services,” and inserting “as part of the vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A),”; and

(ii) by striking “Rehabilitation Act Amendments of 1998” and inserting “Workforce Investment Act of 2013”; and  
(C) in subparagraph (C)—

(i) by striking “The State plan shall remain in effect subject to the submission

of such modifications” and inserting “The vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A) shall remain in effect until the State is required to submit the plan in accordance with subparagraph (A) or until the submission of such modifications”; and

(ii) by striking “, until the State submits and receives approval of a new State plan”;

~~(2) in paragraph (2)—~~

~~(A) in subparagraph (A), by striking “The State plan” and inserting “The State plan for vocational rehabilitation services”;~~

~~(B) in subparagraph (B)(ii), by striking subclauses (I) through (IV) and inserting the following:~~

“(I) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for administering the vocational rehabilitation program of the designated State agency;

1           “(H) has a full-time director who  
2           is responsible for the day-to-day oper-  
3           ation of the vocational rehabilitation  
4           program, including—

5                   “(aa) making all decisions  
6                   affecting eligibility for vocational  
7                   rehabilitation services; the nature  
8                   and scope of available services;  
9                   and the provision of the services;

10                   “(bb) the determination to  
11                   close the record of services of an  
12                   individual who has achieved an  
13                   employment outcome;

14                   “(cc) policy formulation and  
15                   implementation;

16                   “(dd) the allocation and ex-  
17                   penditure of funds for vocational  
18                   rehabilitation services;

19                   “(ee) representation of the  
20                   organizational unit as a one-stop  
21                   partner in the one-stop delivery  
22                   system under title I of the Work-  
23                   force Investment Act of 2013;  
24                   and

1                   “(ff) representation of the  
2                   vocational rehabilitation services  
3                   core program for purposes of sec-  
4                   tion 111(b)(1)(C)(iii)(I) of the  
5                   Workforce Investment Act of  
6                   2013;

7                   “(III) has a staff employed on  
8                   the rehabilitation work of the organi-  
9                   zational unit, all or substantially all of  
10                  whom are employed full-time on the  
11                  vocational rehabilitation or vocational  
12                  and other rehabilitation work of the  
13                  organizational unit;

14                  “(IV) is located at an organiza-  
15                  tional level and has an organizational  
16                  status within the designated State  
17                  agency comparable to that of other  
18                  major organizational units of the des-  
19                  ignated State agency for which the  
20                  head of the designated State agency  
21                  has a direct line of authority; and

22                  “(V)(aa) has the sole authority  
23                  and responsibility within the State to  
24                  ensure that the funds appropriated  
25                  under this title are expended only in

1 a manner that is consistent with the  
2 purposes of this title; and

3 “(bb) may not delegate to an-  
4 other agency, including the designated  
5 State agency, the authority and re-  
6 sponsibility described in item (aa) or  
7 allow an agency described in this item  
8 to perform that authority and respon-  
9 sibility.”; and

10 (C) by adding at the end the following:

11 “(D) STATE AGENCY FOR REIMBURSE-  
12 MENT PURPOSES.—A governing body of an In-  
13 dian tribe that receives a grant under section  
14 121 shall be considered, for purposes of the cost  
15 reimbursement provisions—

16 “(i) in section 222(d)(1) of the Social  
17 Security Act (42 U.S.C. 422(d)(1)), to be  
18 a State; and

19 “(ii) in subsections (d) and (e) of sec-  
20 tion 1615 of the Social Security Act (42  
21 U.S.C. 1382d), to be a State agency de-  
22 scribed in subsection (d) of that section.”;

23 (3) in paragraph (5)—

24 (A) in subparagraph (C), by striking  
25 “and” at the end;

1           ~~(B)~~ by redesignating subparagraph ~~(D)~~ as  
 2           subparagraph ~~(E)~~; and

3           ~~(C)~~ by inserting after subparagraph ~~(C)~~  
 4           the following:

5           “~~(D)~~ notwithstanding subparagraph ~~(C)~~,  
 6           permit the State, in its discretion, to elect to  
 7           serve eligible individuals (whether or not receiv-  
 8           ing vocational rehabilitation services) who re-  
 9           quire specific services or equipment to maintain  
 10          employment; and”;

11          ~~(4)~~ in paragraph ~~(6)~~(B), by striking “to employ  
 12          and advance in employment” and inserting “to em-  
 13          ploy and advance in competitive integrated employ-  
 14          ment”;

15          ~~(5)~~ in paragraph ~~(7)~~—

16               ~~(A)~~ in subparagraph ~~(A)~~(v)—

17                   (i) in subclause (I), after “rehabilita-  
 18                   tion technology” insert the following: “, in-  
 19                   cluding training implemented in coordina-  
 20                   tion with entities carrying out State pro-  
 21                   grams under section 4 of the Assistive  
 22                   Technology Act of 1998 (29 U.S.C.  
 23                   3003)”;

24                   (ii) in subclause (II), by striking “Re-  
 25                   habilitation Act Amendments of 1998” and

1 inserting “Workforce Investment Act of  
2 2013”; and

3 (B) in subparagraph (B), by striking  
4 clause (ii) and inserting the following:

5 “(ii) the establishment and mainte-  
6 nance of education and experience require-  
7 ments, to ensure that the personnel have a  
8 21st century understanding of the evolving  
9 labor force and the needs of individuals  
10 with disabilities, including requirements  
11 for—

12 “(I)(aa) attainment of a baccalaureate degree in a field of study rea-  
13 sonably related to vocational rehabilita-  
14 tion; to indicate a level of com-  
15 petency and skill demonstrating basic  
16 preparation in a field of study such as  
17 vocational rehabilitation counseling,  
18 social work, psychology, disability  
19 studies, business administration,  
20 human resources, special education,  
21 supported employment, customized  
22 employment, job placement, econom-  
23 ies, or another field that reasonably  
24

1 prepares individuals to work with con-  
2 sumers and employers; and

3 “(bb) demonstrated paid or un-  
4 paid experience, for not less than 1  
5 year, consisting of—

6 “(AA) direct work with indi-  
7 viduals with disabilities in a set-  
8 ting such as an independent liv-  
9 ing center or experience as a  
10 member of the governing board  
11 of an independent living center;

12 “(BB) advocacy experience  
13 with a nonprofit disability rights  
14 or disability membership organi-  
15 zation, a State Council on Devel-  
16 opmental Disabilities, established  
17 under section 125 of the Develop-  
18 mental Disabilities Assistance  
19 and Bill of Rights Act of 2000  
20 (42 U.S.C. 15025) or as a mem-  
21 ber of the governing board for  
22 such a council, or as a parent ad-  
23 vocate or member of the gov-  
24 erning board of a parent infor-



1 information and training center au-  
2 thorized under section 303(f);

3 “(CC) direct service or advo-  
4 cacy activities that provide such  
5 individual with experience and  
6 skills in working with individuals  
7 with disabilities; or

8 “(DD) direct experience as  
9 an employer, as a small business  
10 owner or operator, or in self-em-  
11 ployment, or other experience in  
12 human resources, recruitment, or  
13 experience in supervising employ-  
14 ees, training, or other activities  
15 that provide experience in com-  
16 petitive integrated employment  
17 environments; or

18 “(H) attainment of a master’s or  
19 doctoral degree in a field of study  
20 such as vocational rehabilitation coun-  
21 seling, law, social work, psychology,  
22 disability studies, business administra-  
23 tion, human resources, special edu-  
24 cation, management, public adminis-  
25 tration, or another field that reason-

1                   ably provides competence in the em-  
 2                   ployment sector, in a disability field,  
 3                   or in both business-related and reha-  
 4                   bilitation-related fields; and”;

5           (6) in paragraph (8)—

6                   (A) in subparagraph (A), by striking  
 7                   “(5)(D)” and inserting “(5)(E)”;

8                   (B) in subparagraph (B)—

9                   (i) in the matter preceding clause  
 10                  (i)—

11                               (I) by striking “workforce invest-  
 12                               ment system” and inserting “work-  
 13                               force development system”; and

14                               (II) by striking “(5)(D)” and in-  
 15                               serting “(5)(E)”;

16                   (ii) in clause (iv), by striking  
 17                   “(5)(D)” and inserting “(5)(E)”;

18                   (iii) by adding at the end the fol-  
 19                  lowing:

20                               “(v) PROVISION OF ACCOMMODATIONS  
 21                               AND AUXILIARY AIDS AND SERVICES.—In-  
 22                               formation specifying policies and proce-  
 23                               dures for resolving issues of financial re-  
 24                               sponsibility and reimbursement, as appro-  
 25                               priate, for an accommodation or auxiliary

1 aid or service for an individual with a dis-  
 2 ability, in the event that the designated  
 3 State unit pays for that item or that aid  
 4 or service, in order to avoid interruption of  
 5 or delay in—

6 “(I) the progress of an individual  
 7 in achieving an employment outcome;

8 “(II) an immediate job place-  
 9 ment; or

10 “(III) the provision of services to  
 11 an individual at extreme medical  
 12 risk.”; and

13 (C) in subparagraph (C)(i), by striking  
 14 “(5)(D)” and inserting “(5)(E)”;  
 15 (7) in paragraph (10)—

16 (A) in subparagraph (B), by striking “an-  
 17 nual” and all that follows through “of 1998”  
 18 and inserting “annual reporting of information,  
 19 on eligible individuals receiving the services,  
 20 that is necessary to assess the State’s perform-  
 21 ance on those primary indicators of perform-  
 22 ance (described in section 131(b)(2)(A)(i) of the  
 23 Workforce Investment Act of 2013)”;

24 (B) in subparagraph (C)—

1 (i) in the matter preceding clause (i);  
 2 by inserting “, from each individual  
 3 State,” after “additional data”;

4 (ii) in clause (i)(II), by striking “de-  
 5 termined” and all that follows and insert-  
 6 ing “determined to be ineligible for voca-  
 7 tional rehabilitation services; and the rea-  
 8 son for such determination of ineligibility  
 9 (disaggregated by type of disability; and  
 10 age);”;

11 (iii) in clause (ii)—

12 (I) in subclause (I), by striking  
 13 “(5)(D)” and inserting “(5)(E)”;

14 (II) in subclause (II), by striking  
 15 “and” at the end; and

16 (III) by adding at the end the  
 17 following:

18 “(IV) a comparison, among indi-  
 19 viduals who obtained employment,  
 20 of—

21 “(aa) the number of individ-  
 22 uals who continued to use public  
 23 benefits; and

1                   “(bb) the number of individ-  
2                   uals who no longer used public  
3                   benefits;

4                   “(V) the total number of individ-  
5                   uals with ongoing open cases  
6                   (disaggregated by individuals who are  
7                   in training settings, and individuals  
8                   who are in postsecondary education),  
9                   and the services individuals described  
10                  in this subclause are receiving;

11                  “(VI) the total number of stu-  
12                  dents with disabilities that are receiv-  
13                  ing pre-employment transition serv-  
14                  ices, and the cost for providing those  
15                  services for each full fiscal year after  
16                  the date of enactment of the Work-  
17                  force Investment Act of 2013;

18                  “(VII) the total number of youth  
19                  with disabilities that are receiving  
20                  transition services, and the total cost  
21                  for providing those services to such  
22                  youth during the last full fiscal year  
23                  prior to the date of enactment of the  
24                  Workforce Investment Act of 2013  
25                  and during each fiscal year thereafter;

1           “(VIII) the number of youth with  
2           disabilities who entered postsecondary  
3           training or programs for apprentice-  
4           ships registered under the Act of Au-  
5           gust 16, 1937 (commonly known as  
6           the ‘National Apprenticeship Act’; 50  
7           Stat. 664, chapter 663; 29 U.S.C. 50  
8           et seq.);

9           “(IX) the number of youth with  
10          disabilities who entered postsecondary  
11          education;

12          “(X) the number of youth with  
13          disabilities who attained academic lev-  
14          els and job skills needed for employ-  
15          ment;

16          “(XI) the number of youth with  
17          disabilities who entered employment;

18          “(XII) the number of individuals  
19          referred to one-stop centers, as de-  
20          fined in section 101 of the Workforce  
21          Investment Act of 2013; and

22          “(XIII) the number of individ-  
23          uals referred from such one-stop cen-  
24          ters to designated State units and the  
25          outcomes of such referrals;”;

1                   (iv) in clause (iii), by striking “and”  
 2                   at the end;

3                   (v) in clause (iv)—

4                   (I) in subclause (I), by inserting  
 5                   before the semicolon the following:  
 6                   “and, for those who achieved employ-  
 7                   ment outcomes, the average length of  
 8                   time to obtain employment”; and

9                   (II) in subclause (II), by striking  
 10                  the period and inserting “; and”; and  
 11                  (vi) by adding at the end the fol-  
 12                  lowing:

13               “(v)(I) the transition from school to  
 14               postsecondary life, including employment,  
 15               and achievement of the postsecondary vo-  
 16               cational goals, of students with disabilities  
 17               served under the program carried out  
 18               under this title; and

19               “(II) the provision of supported em-  
 20               ployment services.”;

21               (C) in subparagraph (D)(i), by striking  
 22               “title I of the Workforce Investment Act of  
 23               1998” and inserting “title II of the Workforce  
 24               Investment Act of 2013”;

1           (D) in subparagraph (E)(ii), by striking  
2           “of the State” and all that follows and inserting  
3           “of the State in meeting the standards and in-  
4           dicators established pursuant to section 106.”;  
5           and

6           (E) by adding at the end the following:

7           “(G) RULES FOR REPORTING OF DATA.—

8           The disaggregation of data under this section  
9           shall not be required within a category if the  
10          number of participants in a category is insuffi-  
11          cient to yield statistically reliable information;  
12          or required if the results would reveal person-  
13          ally identifiable information about an individual  
14          participant.

15          “(H) COMPREHENSIVE REPORT.—The  
16          State plan shall specify that the Commissioner  
17          will provide an annual comprehensive report  
18          that includes the reports and data required  
19          under this section, as well as a summary of the  
20          reports and data, for each fiscal year. The  
21          Commissioner shall submit the report to the  
22          Committee on Education and the Workforce of  
23          the House of Representatives, the Committee  
24          on Appropriations of the House of Representa-  
25          tives, the Committee on Health, Education,



1 Labor, and Pensions of the Senate, and the  
 2 Committee on Appropriations of the Senate, not  
 3 later than 90 days after the end of the fiscal  
 4 year involved.”;

5 (8) in paragraph (11)—

6 (A) in subparagraph (A)—

7 (i) in the subparagraph header, by  
 8 striking “WORKFORCE INVESTMENT SYS-  
 9 TEMS” and inserting “WORKFORCE DEVEL-  
 10 OPMENT SYSTEMS”;

11 (ii) in the matter preceding clause (i),  
 12 by striking “workforce investment system”  
 13 and inserting “workforce development sys-  
 14 tem”;

15 (iii) in clause (i)(II), by inserting  
 16 “(including programmatic accessibility and  
 17 physical accessibility)” after “program ac-  
 18 cessibility”;

19 (iv) in clause (ii), by striking “work-  
 20 force investment system” and inserting  
 21 “workforce development system”; and

22 (v) in clause (v), by striking “work-  
 23 force investment system” and inserting  
 24 “workforce development system”;

1           (B) in subparagraph (B), by striking  
2           “workforce investment system” and inserting  
3           “workforce development system”;

4           (C) in subparagraph (C)—

5               (i) by inserting “the State programs  
6               carried out under section 4 of the Assistive  
7               Technology Act of 1998 (29 U.S.C.  
8               3003),” after “including”;

9               (ii) by inserting “, noneducational  
10              agencies serving out-of-school youth,” after  
11              “Agriculture”;

12              (iii) by striking “such agencies and  
13              programs” and inserting “such Federal,  
14              State, and local agencies and programs”;  
15              and

16              (iv) by striking “workforce investment  
17              system” and inserting “workforce develop-  
18              ment system”;

19           (D) in subparagraph (D)—

20               (i) in clause (ii), by striking “comple-  
21               tion” and inserting “implementation”;

22               (ii) by redesignating clauses (iii) and  
23               (iv) as clauses (iv) and (v), respectively;  
24              and

1                   (iii) by inserting after clause (ii) the  
2                   following:

3                   “~~(iii)~~ identifying options for additional  
4                   education and training, in order to facili-  
5                   tate the provision of transition services for  
6                   youth with disabilities and students with  
7                   disabilities, such as services provided under  
8                   section 114;”;

9                   ~~(E)~~ by redesignating subparagraphs ~~(E)~~  
10                  and ~~(F)~~ as subparagraphs ~~(F)~~ and ~~(H)~~, respec-  
11                  tively;

12                  ~~(F)~~ by inserting after subparagraph ~~(D)~~  
13                  the following:

14                  “~~(E)~~ COORDINATION WITH EMPLOYERS.—  
15                  The State plan shall contain plans, policies, and  
16                  procedures for coordination between the des-  
17                  ignated State unit and employers that provide  
18                  for building relationships with employers and  
19                  identifying community-based competitive inte-  
20                  grated employment opportunities and career ex-  
21                  ploration opportunities, in order to facilitate the  
22                  provision of transition services for youth with  
23                  disabilities and students with disabilities, such  
24                  as services provided under section 114;”;

(G) in subparagraph (F), as redesignated by subparagraph (E) of this paragraph—

(i) by inserting “chapter 1 of” after “part C of”; and

(ii) by inserting “, as appropriate” before the period;

(H) by inserting after subparagraph (F), as redesignated by subparagraph (E) of this paragraph, the following:

“(G) COOPERATIVE AGREEMENT REGARDING INDIVIDUALS ELIGIBLE FOR HOME AND COMMUNITY-BASED WAIVER PROGRAMS.—The State plan shall include an assurance that the designated State unit has entered into a formal cooperative agreement with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State agency with primary responsibility for providing services and supports for individuals with intellectual disabilities and individuals with developmental disabilities, with respect to the delivery of vocational rehabilitation services, including extended services, for individuals with the most significant disabilities who have been deter-

1           mined to be eligible for home and community-  
 2           based services under a Medicaid waiver, Med-  
 3           icaid State plan amendment, or other authority  
 4           related to a State Medicaid program.”;

5           (I) in subparagraph (H), as redesignated  
 6           by subparagraph (E) of this paragraph—

7                   (i) in clause (ii)—

8                           (I) by inserting “on or” before  
 9                           “near”; and

10                       (H) by striking “and” at the end;

11                       (ii) by redesignating clause (iii) as  
 12                       clause (iv); and

13                       (iii) by inserting after clause (ii) the  
 14                       following:

15                           “(iii) strategies for the provision of  
 16                           transition planning, by personnel of the  
 17                           designated State unit, the State edu-  
 18                           cational agency, and the recipient of funds  
 19                           under part C, that will facilitate the devel-  
 20                           opment and implementation of the individ-  
 21                           ualized education programs under section  
 22                           614(d) of the Individuals with Disabilities  
 23                           Education Act (20 U.S.C. 1414(d)) and,  
 24                           as appropriate, the development and com-  
 25                           pletion of the individualized plans for em-

ployment under section 102, in order to  
enable students with disabilities to achieve  
postschool employment outcomes; and”;  
and

(J) by adding at the end the following:

“(I) COORDINATION WITH ASSISTIVE  
TECHNOLOGY PROGRAMS.—The State plan shall  
include an assurance that the designated State  
unit, and the lead agency and implementing en-  
tity (if any) designated by the Governor of the  
State under section 4 of the Assistive Tech-  
nology Act of 1998 (29 U.S.C. 3003), have de-  
veloped working relationships and will enter  
into agreements for the coordination of their ac-  
tivities, including the referral of individuals  
with disabilities to programs and activities de-  
scribed in that section.

“(J) COORDINATION WITH TICKET TO  
WORK AND SELF-SUFFICIENCY PROGRAM.—The  
State plan shall include an assurance that the  
designated State unit will coordinate activities  
with any other State agency that is functioning  
as an employment network under the Ticket to  
Work and Self-Sufficiency Program established

1 under section 1148 of the Social Security Act  
2 (42 U.S.C. 1320b-19).”;

3 ~~(9)~~ in paragraph ~~(14)~~—

4 (A) in the paragraph header, by striking  
5 “ANNUAL” and inserting “SEMIANNUAL”;

6 (B) in subparagraph (A)—

7 (i) by striking “annual” and inserting  
8 “semiannual”;

9 (ii) by striking “(and thereafter” and  
10 all that follows through “representative)”  
11 and inserting “; and annually thereafter”;  
12 and

13 (iii) by striking “to competitive” and  
14 all that follows and inserting the following:  
15 “to competitive integrated employment or  
16 training for competitive integrated employ-  
17 ment;”;

18 (C) in subparagraph (B), by striking  
19 “and” at the end;

20 (D) in subparagraph (C), by striking “the  
21 individuals described” and all that follows and  
22 inserting “individuals in attaining competitive  
23 integrated employment; and”; and

24 (E) by adding at the end the following:

1           ~~“(D) an assurance that the State will re-~~  
 2           ~~port the information generated under subpara-~~  
 3           ~~graphs (A), (B), and (C), for each of the indi-~~  
 4           ~~viduals, to the Administrator of the Wage and~~  
 5           ~~Hour Division of the Department of Labor for~~  
 6           ~~each fiscal year, not later than 60 days after~~  
 7           ~~the end of the fiscal year.”;~~

8           ~~(10) in paragraph (15)—~~

9           ~~(A) in subparagraph (A)—~~

10           ~~(i) in clause (i)—~~

11           ~~(I) in subclause (II), by striking~~

12           ~~“and” at the end;~~

13           ~~(II) in subclause (III)—~~

14           ~~(aa) by striking “workforce~~

15           ~~investment system” and inserting~~

16           ~~“workforce development system”;~~

17           ~~and~~

18           ~~(bb) by adding “and” at the~~

19           ~~end; and~~

20           ~~(III) by adding at the end the~~

21           ~~following:~~

22           ~~“(IV) youth with disabilities, and~~

23           ~~students with disabilities, including~~

24           ~~their need for pre-employment transi-~~



tion services described in section 114  
 or other transition services; and”; and  
 (ii) by striking clauses (ii) and (iii)  
 and inserting the following:

“(ii) include an assessment of the  
 needs of individuals with disabilities for  
 transition services and pre-employment  
 transition services provided under this Act,  
 and coordinated with transition services  
 provided under the Individuals with Dis-  
 abilities Education Act (20 U.S.C. 1400 et  
 seq.); and an assessment as to whether the  
 transition and pre-employment transition  
 services provided under those Acts meet  
 the needs of individuals with disabilities.”;

(B) in subparagraph (B)—

(i) in clause (ii), by striking “and” at  
 the end;

(ii) by redesignating clause (iii) as  
 clause (iv); and

(iii) by inserting after clause (ii) the  
 following:

“(iii) the number of individuals who  
 are eligible for services under this title; but

are not receiving such services due to an order of selection; and”;

~~(C) in subparagraph (D)—~~

(i) by redesignating clauses (iii) through (v) as clauses (iv) through (vi);

(ii) by inserting after clause (ii) the following:

“(iii) the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life (including the receipt of vocational rehabilitation services under this title, postsecondary education, employment, and pre-employment transition services under section 114);”;

(iii) in clause (vi), as redesignated by clause (i) of this subparagraph, by striking “workforce investment system” and inserting “workforce development system”;

~~(11) in paragraph (20)—~~

(A) in subparagraphs (A) and (B)(i), by striking “workforce investment system” and inserting “workforce development system”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State unit will make available, to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

“(i) information on the availability of benefits and medical assistance authorized under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and medical assistance authorized under other federally funded programs;

1 “(ii) information on the availability of  
2 assistance through benefits planning and  
3 assistance programs authorized under sec-  
4 tion 1149 of the Social Security Act (42  
5 U.S.C. 1320b–20) and services provided by  
6 the State protection and advocacy system  
7 and authorized under section 1150 of the  
8 Social Security Act (42 U.S.C. 1320b–21);  
9 and

10 “(iii) in the case of individuals who  
11 are also eligible for a ticket under the  
12 Ticket to Work and Self-Sufficiency Pro-  
13 gram established under section 1148 of the  
14 Social Security Act (42 U.S.C. 1320b–19),  
15 general information regarding the options  
16 for using the ticket and information on  
17 how to contact a program manager of the  
18 Ticket to Work and Self-Sufficiency Pro-  
19 gram to obtain information on approved  
20 employment networks; on providers for the  
21 benefits planning and assistance programs  
22 described in clause (ii) in the State; and on  
23 the services provided by the State protec-  
24 tion and advocacy system and described in  
25 clause (ii).”; and

1           (12) by adding at the end the following:

2           “(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance  
3           that, with respect to students with disabilities, the  
4           State—

6           “(A) has developed and will implement—

7           “(i) strategies to address the needs  
8           identified in the assessments described in  
9           paragraph (15); and

10          “(ii) strategies to achieve the goals  
11          and priorities identified by the State, in ac-  
12          cordance with paragraph (15), to improve  
13          and expand vocational rehabilitation serv-  
14          ices for students with disabilities on a  
15          statewide basis; and

16          “(B) has developed and will implement  
17          strategies to carry out the provision of pre-em-  
18          ployment transition services in accordance with  
19          section 114.

20          “(26) JOB GROWTH AND DEVELOPMENT.—The  
21          State plan shall provide an assurance describing how  
22          the State will utilize initiatives involving in-demand  
23          industry sectors or occupations under sections  
24          116(e) and 118 of the Workforce Investment Act of

1       ~~2013~~ to increase competitive integrated employment  
 2       opportunities for individuals with disabilities.”.

3       ~~(b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b))~~  
 4       is amended to read as follows:

5       ~~“(b) SUBMISSION; APPROVAL; MODIFICATION.—The~~  
 6       State plan for vocational rehabilitation services shall be  
 7       subject to—

8               ~~“(1) subsection (c) of section 112 of the Work-~~  
 9       force Investment Act of 2013, in a case in which  
 10       that plan is a portion of the unified State plan de-  
 11       scribed in that section 112; and

12              ~~“(2) subsection (b), and paragraphs (1), (2),~~  
 13       and ~~(3)~~ of subsection (c), of section 113 of such Act  
 14       in a case in which that State plan for vocational re-  
 15       habilitation services is a portion of the combined  
 16       State plan described in that section 113.”.

17       ~~(c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is~~  
 18       amended by adding at the end the following:

19       ~~“(c) CONSTRUCTION.—Nothing in this part shall be~~  
 20       construed to reduce the obligation of a local educational  
 21       agency or any other agency to provide or pay for any tran-  
 22       sition services that are also considered special education  
 23       or related services and that are necessary for ensuring a  
 24       free appropriate public education to children with disabil-  
 25       ities within the State involved.”.

1 **SEC. 513. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**  
 2 **PLOYMENT.**

3 (a) **ELIGIBILITY.**—Section 102(a) (29 U.S.C. 722(a))  
 4 is amended—

5 (1) in paragraph (1)(B), by striking “regain  
 6 employment” and inserting “regain employment, in-  
 7 cluding accomplishing career advancement, in em-  
 8 ployment that is consistent with the individual’s  
 9 strengths, resources, priorities, concerns, abilities,  
 10 capabilities, and informed choice”;

11 (2) in paragraph (2)—

12 (A) in subparagraph (A)—

13 (i) in the subparagraph header, by  
 14 striking “**DEMONSTRATION**” and inserting  
 15 “**APPLICANTS**”; and

16 (ii) by striking “, unless” and all that  
 17 follows and inserting a period; and

18 (B) in subparagraph (B)—

19 (i) in the subparagraph header, by  
 20 striking “**METHODS**” and inserting “**RE-**  
 21 **SPONSIBILITIES**”;

22 (ii) in the first sentence—

23 (I) by striking “In making the  
 24 demonstration required under sub-  
 25 paragraph (A),” and inserting “Prior  
 26 to determining under this subsection

1           that an applicant described in sub-  
 2           paragraph (A) is unable to benefit due  
 3           to the severity of the individual's dis-  
 4           ability or that the individual is ineli-  
 5           gible for vocational rehabilitation serv-  
 6           ices,"; and

7                       (H) by striking "except under"  
 8           and all that follows and inserting a  
 9           period; and

10           (iii) in the second sentence, by strik-  
 11           ing "individual or to determine" and all  
 12           that follows and inserting "individual. In  
 13           providing the trial experiences, the des-  
 14           ignated State unit shall provide the indi-  
 15           vidual with the opportunity to try different  
 16           employment experiences, including sup-  
 17           ported employment, and the opportunity to  
 18           become employed in competitive integrated  
 19           employment.";

20           (3) in paragraph (3)(A)(ii), by striking "out-  
 21           come from" and all that follows and inserting "out-  
 22           come, including supported employment, from voca-  
 23           tional rehabilitation services due to the current (as  
 24           of the date of the determination) severity of the dis-  
 25           ability of the individual."; and



1           (4) in paragraph (5)—

2                   (A) in the matter preceding subparagraph

3           (A)—

4                   (i) by striking “If an individual” and

5                   inserting “If, after the designated State

6                   unit carries out the activities described in

7                   paragraph (2)(B), a review of existing

8                   data, and, to the extent necessary, the as-

9                   sessment activities described in section

10                  7(2)(A)(ii), an individual”; and

11                  (ii) by striking “is determined” and

12                  all that follows through “not to be” and in-

13                  serting “is determined not to be”;

14                  (B) by redesignating subparagraphs (A)

15                  through (D) as subparagraphs (B) through (E);

16                  respectively;

17                  (C) by inserting before subparagraph (B)

18                  the following:

19                   “(A) the ineligibility determination shall be

20                   an individualized one, based on the available

21                   data, and shall not be based on assumptions

22                   about broad categories of disabilities;” and

23                   (D) in clause (i) of subparagraph (C), as

24                   redesignated by subparagraph (B) of this para-

25                   graph, by inserting after “determination” the

following: “, including clear and convincing evidence that forms the basis for the determination of ineligibility”.

(b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT, AND RELATED INFORMATION.—Section 102(b) (29 U.S.C. 722(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “, to the extent determined to be appropriate by the eligible individual,”;

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), and (D), and (E), respectively; and

(C) by inserting after subparagraph (A) the following:

“(B) information on the availability of assistance from consumer organizations, as defined in section 106(a)(4) (including a listing of such organizations) that can assist an individual in the development of an individualized plan for employment, in order to ensure that the plan reflects the informed and effective choices of the individual;”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

1           (3) by inserting after paragraph (1) the fol-  
2       lowing:

3           “(2) INDIVIDUALS ENTITLED TO BENEFITS  
4       UNDER THE SOCIAL SECURITY ACT.—For an indi-  
5       vidual entitled to benefits under title II or XVI of  
6       the Social Security Act (42 U.S.C. 401 et seq., 1381  
7       et seq.) on the basis of a disability or blindness, the  
8       designated State unit shall provide to the indi-  
9       vidual—

10           “(A) general information on the avail-  
11       ability of benefits and medical assistance au-  
12       thorized under the State Medicaid program  
13       under title XIX of the Social Security Act (42  
14       U.S.C. 1396 et seq.) or under the Medicare  
15       program under title XVIII of the Social Secu-  
16       rity Act (42 U.S.C. 1395 et seq.); and medical  
17       assistance authorized under other federally  
18       funded programs;

19           “(B) general information on the avail-  
20       ability of assistance through benefits planning  
21       and assistance programs authorized under sec-  
22       tion 1149 of the Social Security Act (42 U.S.C.  
23       1320b–20) and services provided by the State  
24       protection and advocacy system and authorized

under section 1150 of the Social Security Act  
(42 U.S.C. 1320b-21); and

“(C) in the case of individuals who are also  
eligible for a ticket under the Ticket to Work  
and Self-Sufficiency Program established under  
section 1148 of the Social Security Act (42  
U.S.C. 1320b-19), general information regard-  
ing the options for using the ticket and infor-  
mation on how to contact a program manager  
of the Ticket to Work and Self-Sufficiency Pro-  
gram to obtain information on approved em-  
ployment networks, on providers for the bene-  
fits planning and assistance programs described  
in subparagraph (B) in the State, and on the  
services provided by the State protection and  
advocacy system and described in subparagraph  
(B).”;

(4) in paragraph (3), as redesignated by para-  
graph (2) of this subsection—

(A) in subparagraph (E)—

(i) in clause (i), by striking “and” at  
the end;

(ii) in clause (ii), by striking the pe-  
riod and inserting “; and”; and

1                   (iii) by adding at the end the fol-  
 2                   lowing:

3                   “(iii) amended, as necessary, to in-  
 4                   clude the postemployment services and  
 5                   service providers that are necessary for the  
 6                   individual to maintain or regain employ-  
 7                   ment, consistent with the individual’s  
 8                   strengths, resources, priorities, concerns,  
 9                   abilities, capabilities, interests, and in-  
 10                  formed choice.”; and

11                  (B) by adding at the end the following:

12                  “(F) TIMEFRAME FOR COMPLETING THE  
 13                  INDIVIDUALIZED PLAN FOR EMPLOYMENT.—

14                  The individualized plan for employment shall be  
 15                  developed as soon as possible, but not later  
 16                  than a deadline of 90 days after the date of the  
 17                  determination of eligibility described in para-  
 18                  graph (1); unless the designated State unit and  
 19                  the eligible individual agree to an extension of  
 20                  that deadline to a specific date by which the in-  
 21                  dividualized plan for employment shall be com-  
 22                  pleted.

23                  “(G) FAILURE TO DEVELOP THE INDIVID-  
 24                  UALIZED PLAN FOR EMPLOYMENT WITHIN THE  
 25                  SPECIFIED TIMEFRAME.—In the event the indi-

1           vidualized plan for employment is not completed  
 2           by the deadline or extended deadline, as appro-  
 3           priate, under subparagraph (F), the eligible in-  
 4           dividual shall have the right to request the pro-  
 5           cedures described in subsection (c). If the eligi-  
 6           ble individual requests a hearing, the hearing  
 7           officer shall have the authority to order the des-  
 8           ignated State unit to complete the individual-  
 9           ized plan for employment within a reasonable  
 10          period of time.”; and

11          (5) in paragraph (4), as redesignated by para-  
 12          graph (2) of this subsection—

13               (A) in subparagraph (A)—

14                   (i) by inserting “in competitive inte-  
 15                   grated employment” after “outcome”; and

16                   (ii) by striking “choice of the” and all  
 17                   that follows and inserting “choice of the el-  
 18                   igible individual, consistent with the gen-  
 19                   eral goal of competitive integrated employ-  
 20                   ment (except that in the case of an eligible  
 21                   individual who is a student, the description  
 22                   may be a description of the student’s pro-  
 23                   jected postschool employment outcome);”;

24               (B) in subparagraph (B)(i)—

1 (i) by redesignating subclause (II) as  
2 subclause (III); and

3 (ii) by striking subclause (I) and in-  
4 serting the following:

5 “(I) needed to achieve the employ-  
6 ment outcome, including, as appropriate—

7 “(aa) the provision of assistive  
8 technology devices and assistive tech-  
9 nology services (including referrals de-  
10 scribed in section 103(a)(3) to the de-  
11 vice reutilization programs and dem-  
12 onstrations described in subpara-  
13 graphs (B) and (D) of section 4(e)(2)  
14 of the Assistive Technology Act of  
15 1998 (29 U.S.C. 3003(e)(2)) through  
16 agreements developed under section  
17 101(a)(11)(H);

18 “(bb) mentoring services; and

19 “(cc) personal assistance services  
20 (including training in the management  
21 of such services);

22 “(H) in the case of a plan for an eligi-  
23 ble individual that is a student, the specific  
24 transition services and supports (including  
25 work experience, mentoring activities, and

1 supported employment) needed to achieve  
 2 the student's employment outcome or pro-  
 3 jected postschool employment outcome;  
 4 and";

5 (C) in subparagraph (F), by striking  
 6 "and" at the end;

7 (D) in subparagraph (G), by striking the  
 8 period and inserting "; and"; and

9 (E) by adding at the end the following:

10 "(H) for an individual who also is receiving  
 11 assistance from an employment network under  
 12 the Ticket to Work and Self-Sufficiency Pro-  
 13 gram established under section 1148 of the So-  
 14 cial Security Act (42 U.S.C. 1320b-19), a list  
 15 of the services that are listed in the individual  
 16 work plan that the individual developed with  
 17 the employment network under subsection (g)  
 18 of that section; and a description of how re-  
 19 sponsibility for service delivery will be divided  
 20 between the employment network and the des-  
 21 ignated State unit."

22 (e) PROCEDURES.—Section 102(e) (29 U.S.C.  
 23 722(e)) is amended—

24 (1) in paragraph (1), by adding at the end the  
 25 following: "The procedures shall allow an applicant



or an eligible individual or, as appropriate, the applicant's representative or individual's representative, the opportunity to request mediation, an impartial due process hearing, or both procedures.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “and” at the end;

(ii) in clause (iii), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iv) any applicable State limit on the time by which a request for mediation under paragraph (4) or a hearing under paragraph (5) shall be made, and any required procedure by which the request shall be made.”; and

(B) in subparagraph (B)(iii), by inserting “the denial,” before “reduction,”; and

(3) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

“(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by

1 an impartial hearing officer who, on reviewing  
 2 the evidence presented, shall issue a written de-  
 3 cision based on the provisions of the approved  
 4 State plan, requirements specified in this Act  
 5 (including regulations implementing this Act),  
 6 and State regulations and policies that are con-  
 7 sistent with the Federal requirements specified  
 8 in this title. The officer shall provide the writ-  
 9 ten decision to the applicant or eligible indi-  
 10 vidual, or, as appropriate, the applicant's rep-  
 11 resentative or individual's representative, and to  
 12 the designated State unit. The impartial hear-  
 13 ing officer shall have the authority to render a  
 14 decision and require actions, consistent with the  
 15 requirements specified in this title (including  
 16 regulations implementing this title), regarding  
 17 all aspects of the applicant's or eligible individ-  
 18 ual's vocational rehabilitation services under  
 19 this title.”; and

20 (B) in subparagraph (B), by striking “in  
 21 laws (including regulations)” and inserting  
 22 “about Federal and State laws (including regu-  
 23 lations) and the approved State plan”.

24 **SEC. 514. VOCATIONAL REHABILITATION SERVICES.**

25 Section 103 (29 U.S.C. 723) is amended—

1           (1) in subsection (a)—

2                   (A) in paragraph (13), by striking “work-  
3           force investment system” and inserting “work-  
4           force development system”;

5                   (B) by striking paragraph (15) and insert-  
6           ing the following:

7           “~~(15)~~ transition services for students with dis-  
8           abilities, that facilitate the transition from school to  
9           postsecondary life, such as achievement of an em-  
10          ployment outcome in competitive integrated employ-  
11          ment, or pre-employment transition services de-  
12          scribed in section 114.”;

13                   (C) by redesignating paragraphs (17) and  
14          (18) as paragraphs (18) and (19), respectively;

15                   (D) by inserting after paragraph (16) the  
16          following:

17          “~~(17)~~ customized employment.”;

18                   (E) in paragraph (18), as redesignated by  
19          subparagraph (C) of this paragraph, by striking  
20          the “and” at the end;

21                   (F) in paragraph (19), as redesignated by  
22          subparagraph (C) of this paragraph, by striking  
23          the period and inserting “; and”; and

24                   (G) by adding at the end the following:

25          “~~(20)~~ mentoring services.”; and

1           (2) in subsection (b)—

2                   (A) in paragraph (2)(A), by striking the  
3           second sentence and inserting “Such programs  
4           shall be used to provide services described in  
5           this section that promote integration into the  
6           community and that result in competitive inte-  
7           grated employment, including supported em-  
8           ployment and customized employment, for ap-  
9           plicants or eligible individuals with disabil-  
10          ities.”;

11                  (B) by striking paragraph (2)(B) and in-  
12          serting the following:

13                   “(B) The establishment, development, or  
14           improvement of a facility for a community reha-  
15           bilitation program, or the construction of such  
16           a facility, which shall be limited to that nec-  
17           essary for the expansion or improvement of  
18           services described in this section for applicants  
19           or eligible individuals with disabilities.”;

20                  (C) by striking paragraph (5) and insert-  
21          ing the following:

22                   “(5) Technical assistance to businesses that are  
23          seeking to employ individuals with disabilities.”; and

24                  (D) by striking paragraph (6) and insert-  
25          ing the following:

1           “(6) Consultation and technical assistance serv-  
 2           ices to assist State educational agencies and local  
 3           educational agencies in planning for the transition of  
 4           students with disabilities from school to postsec-  
 5           ondary life, including employment.”.

6 **SEC. 515. STATE REHABILITATION COUNCIL.**

7           Section 105 (29 U.S.C. 725) is amended—

8           (1) in subsection (b)(1)—

9           (A) in subparagraph (A)—

10           (i) by striking clause (ix) and insert-  
 11           ing the following:

12           “(ix) in a State in which one or more  
 13           projects are funded under section 121 and  
 14           in which such services are provided  
 15           through those projects, at least one rep-  
 16           resentative of the directors of the projects  
 17           located in such State;”;

18           (ii) in clause (x), by striking “and” at  
 19           the end;

20           (iii) in clause (xi)—

21           (I) by striking “State workforce  
 22           investment board” and inserting  
 23           “State workforce development board”;  
 24           and

1 (H) by striking the period and  
 2 inserting “; and”; and

3 (iv) by adding at the end the fol-  
 4 lowing:

5 “(xii) the director of the State’s com-  
 6 prehensive statewide program of tech-  
 7 nology-related assistance funded under sec-  
 8 tion 4 of the Assistive Technology Act of  
 9 1998 (29 U.S.C. 3003).”; and

10 (B) in subparagraph (B)—

11 (i) in clause (xi), by striking “and” at  
 12 the end;

13 (ii) in clause (xii), by striking the pe-  
 14 riod and inserting “; and”; and

15 (iii) by adding at the end the fol-  
 16 lowing:

17 “(xiii) the director of the State’s com-  
 18 prehensive statewide program of tech-  
 19 nology-related assistance funded under sec-  
 20 tion 4 of the Assistive Technology Act of  
 21 1998 (29 U.S.C. 3003).”; and

22 (2) in subsection (c)—

23 (A) in the matter preceding paragraph (1),  
 24 by striking “State workforce investment board”

1 and inserting “State workforce development  
2 board”; and

3 (B) in paragraph (6), by striking “Service  
4 Act” and all that follows and inserting “Service  
5 Act (42 U.S.C. 300x-3(a)) and the State work-  
6 force development board, and with the activities  
7 of entities carrying out programs under the As-  
8 sistive Technology Act of 1998 (29 U.S.C. 3001  
9 et seq.);”.

10 **SEC. 516. EVALUATION STANDARDS AND PERFORMANCE**  
11 **INDICATORS.**

12 Section 106 (29 U.S.C. 726) is amended by striking  
13 subsection (a) and inserting the following:

14 “(a) IN GENERAL.—

15 “(1) STANDARDS AND INDICATORS.—The eval-  
16 uation standards and performance indicators for the  
17 vocational rehabilitation program carried out under  
18 this title shall be subject to the performance ac-  
19 countability provisions described in section 131(b) of  
20 the Workforce Investment Act of 2013.

21 “(2) ADDITIONAL PERFORMANCE ACCOUNT-  
22 ABILITY INDICATORS.—

23 “(A) IN GENERAL.—Subject to subpara-  
24 graph (B), the Commissioner may establish ad-  
25 ditional performance accountability indicators;

1 which may include outcome and related meas-  
2 ures of program performance.

3 “(B) COMMENT.—Such additional per-  
4 formance accountability indicators shall be de-  
5 veloped with input from State vocational reha-  
6 bilitation agencies, related professional and con-  
7 sumer organizations, recipients of vocational re-  
8 habilitation services, and other interested par-  
9 ties. The Commissioner shall publish in the  
10 Federal Register a notice of intent to regulate  
11 regarding the development of proposed addi-  
12 tional performance accountability indicators.  
13 Proposed additional performance accountability  
14 indicators shall be published in the Federal  
15 Register for review and comment. Final addi-  
16 tional performance accountability indicators  
17 shall be published in the Federal Register.

18 “(3) REPORTS.—Each State that receives funds  
19 under this title shall submit a report to the Commis-  
20 sioner containing information on any additional per-  
21 formance accountability indicators established under  
22 paragraph (2).

23 “(4) CONSUMER ORGANIZATION.—In this sub-  
24 section, the term ‘consumer organization’ means a  
25 membership organization, or disability advocacy



1 group, for which a majority of the members of the  
 2 board of directors of the organization or group are  
 3 individuals with disabilities or family members of in-  
 4 dividuals with disabilities.”.

5 **SEC. 517. MONITORING AND REVIEW.**

6 (a) IN GENERAL.—Section 107(a) (29 U.S.C.  
 7 727(a)) is amended—

8 (1) in paragraph (3)(E), by inserting before the  
 9 period the following: “, including personnel of a eli-  
 10 ent assistance program under section 112, and past  
 11 or current recipients of vocational rehabilitation  
 12 services”; and

13 (2) in paragraph (4)—

14 (A) by striking subparagraphs (A) and (B)  
 15 and inserting the following:

16 “(A) the eligibility process, including the  
 17 process related to the determination of ineligi-  
 18 bility under section 102(a)(5);

19 “(B) the provision of services, including  
 20 supported employment services, and pre-em-  
 21 ployment transition services for students with  
 22 disabilities and, if applicable, the order of selec-  
 23 tion;”;

24 (B) in subparagraph (C), by striking  
 25 “and” at the end;

1           ~~(C)~~ by redesignating subparagraph ~~(D)~~ as  
 2           subparagraph ~~(E)~~; and

3           ~~(D)~~ by inserting after subparagraph ~~(C)~~  
 4           the following:

5           “(D) data on individuals determined to be  
 6           ineligible for services due to severity of their  
 7           disability, to determine if systematic changes  
 8           could result in increased capacity to meet the  
 9           needs of such individuals; and”.

10       ~~(b) REVIEW.—Section 107(d) (29 U.S.C. 727(d)) is~~  
 11       ~~amended, in paragraphs (1) and (2), by striking “a final~~  
 12       ~~determination of the Commissioner under section 101(b)~~  
 13       ~~or subsection (c)” and inserting “a final determination on~~  
 14       ~~a State plan for vocational rehabilitation services under~~  
 15       ~~the procedures referenced in section 101(b), or a final de-~~  
 16       ~~termination by the Commissioner under subsection (c)”.~~

17       **SEC. 518. TRAINING AND SERVICES FOR EMPLOYERS.**

18       ~~Section 109 (29 U.S.C. 728a) is amended to read as~~  
 19       ~~follows:~~

20       **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

21       ~~“A State may expend payments received under sec-~~  
 22       ~~tion 111 to educate and provide services to employers who~~  
 23       ~~have hired or are interested in hiring individuals with dis-~~  
 24       ~~abilities under programs carried out under this title, in-~~  
 25       ~~cluding—~~

1           “(1) providing training and technical assistance  
2           to employers regarding the employment of individ-  
3           uals with disabilities, including disability awareness,  
4           and the requirements of the Americans with Disabil-  
5           ities Act of 1990 (42 U.S.C. 12101 et seq.) and  
6           other employment-related laws;

7           “(2) working with employers to—

8                   “(A) provide opportunities for work-based  
9                   learning experience (including internships,  
10                  short-term employment, apprenticeships, and  
11                  fellowships), such as opportunities in conjune-  
12                  tion with pre-employment transition services;

13                   “(B) recruit qualified applicants with dis-  
14                  abilities;

15                   “(C) train employees with disabilities; and

16                   “(D) promote retention of employees who  
17                  are at risk of losing a job due to disability-re-  
18                  lated barriers;

19           “(3) providing consultations, technical assist-  
20           ance, and support to employers on workplace accom-  
21           modations, assistive technology, and facilities and  
22           workplace access;

23           “(4) assisting employers with utilizing available  
24           financial support, including tax credits and dedue-

1        tions available for hiring or accommodating individ-  
2        uals with disabilities; and

3            ~~“(5) supporting the development of working re-~~  
4        ~~lationships between State vocational rehabilitation~~  
5        ~~agencies, their community partners, and employers~~  
6        ~~on multi-State and national levels, including—~~

7            ~~“(A) encouraging employers to recruit~~  
8        ~~qualified individuals with disabilities for avail-~~  
9        ~~able employment opportunities;~~

10          ~~“(B) facilitating such recruitment by dis-~~  
11        ~~seminating information about specific available~~  
12        ~~employment opportunities to qualified individ-~~  
13        ~~uals who are recipients of vocational rehabilita-~~  
14        ~~tion services under this subtitle, or who are ap-~~  
15        ~~plicants for such services;~~

16          ~~“(C) matching qualified individuals who~~  
17        ~~are recipients of vocational rehabilitation serv-~~  
18        ~~ices under this subtitle, or who are applicants~~  
19        ~~for such services, with employers that have~~  
20        ~~available employment opportunities on the local,~~  
21        ~~regional, or national level; and~~

22          ~~“(D) providing support services, as appro-~~  
23        ~~priate, to employers to facilitate the hiring of~~  
24        ~~qualified individuals who are recipients of voca-~~

1            tional rehabilitation services under this subtitle;  
 2            or who are applicants for such services.”.

3 **SEC. 519. STATE ALLOTMENTS.**

4            (a) ~~IN GENERAL.~~—Section 110 (29 U.S.C. 730) is  
 5 amended—

6            (1) in subsection (a)(1), by striking “Subject to  
 7            the provisions of subsection (c)” and inserting “Sub-  
 8            ject to the provisions of subsections (c), (d), and  
 9            (e),”; and

10            (2) by striking subsections (b) and (c) and in-  
 11            serting the following:

12            “(b)(1) Not later than 45 days prior to the end of  
 13 the fiscal year, the Commissioner shall determine, after  
 14 reasonable opportunity for the submission to the Commis-  
 15 sioner of comments by the State agency administering or  
 16 supervising the program established under this title,  
 17 whether any amount from the payment of an allotment  
 18 to a State under section 111(a) for any fiscal year will  
 19 not be utilized by such State in carrying out the purposes  
 20 of this title.

21            “(2)(A) As soon as practicable but not later than the  
 22 end of the fiscal year, the Commissioner shall reallocate the  
 23 amount available under paragraph (1) to other States,  
 24 consistent with subparagraphs (B) and (C), for carrying  
 25 out the purposes of this title to the extent the Commis-

1 sioner determines such an other State will be able to use  
 2 an additional amount, during that fiscal year or the subse-  
 3 quent fiscal year for carrying out such purposes.

4 “(B)(i) The Commissioner shall reallocate a portion of  
 5 the amount available under paragraph (1) for a fiscal year  
 6 to each State whose allotment under subsection (a) for  
 7 such fiscal year is less than such State’s allotment under  
 8 subsection (a) for the immediately preceding fiscal year,  
 9 adjusted by the percentage change in the funds available  
 10 for subsection (a) from the immediately preceding fiscal  
 11 year.

12 “(ii)(I) Subject to subclause (II), a State that is eligi-  
 13 ble to receive a reallocation under clause (i) shall receive  
 14 a portion for a fiscal year from the amount available for  
 15 reallocation under paragraph (1) that is equal to the dif-  
 16 ference between—

17 “(aa) the amount such State was allotted under  
 18 subsection (a) for such fiscal year; and

19 “(bb) the amount such State was allotted under  
 20 subsection (a) for the immediately preceding fiscal  
 21 year, adjusted by the percentage change in the funds  
 22 available for subsection (a) from the immediately  
 23 preceding fiscal year.

24 “(II) If the amount available for reallocation under  
 25 paragraph (1) is insufficient to provide each State eligible

1 to receive a reallocation under clause (i) with the portion  
2 described in subclause (I), the amount reallocated to each  
3 eligible State shall be determined by the Commissioner.

4 “(C) If there are funds remaining after each State  
5 eligible to receive a reallocation under subparagraph (B)(i)  
6 receives the portion described in subparagraph (B)(ii), the  
7 Commissioner shall reallocate the remaining funds among the  
8 States requesting a reallocation.

9 “(3) The Commissioner shall reallocate an amount to a  
10 State under this subsection only if the State will be able  
11 to make sufficient payments from non-Federal sources to  
12 pay for the non-Federal share of the cost of vocational  
13 rehabilitation services under the State plan for the fiscal  
14 year for which the amount was appropriated.

15 “(4) For the purposes of this part, any portion made  
16 available to a State for any fiscal year pursuant to this  
17 subsection shall be regarded as an increase of such State’s  
18 allotment (as determined under the preceding provisions  
19 of this section) for such year.

20 “(e)(1) For fiscal year 2014 and each fiscal year  
21 thereafter, the Commissioner shall reserve, from the funds  
22 appropriated under section 100(b)(1) for the fiscal year  
23 involved, an amount that is not less than 1.23 percent and  
24 not more than 1.5 percent of those funds in order to carry  
25 out section 121, except that the minimum percentage that

1 may be so reserved shall increase by 0.01 percentage  
 2 points for each succeeding fiscal year after fiscal year  
 3 2014.

4 “(2) Notwithstanding paragraph (1), there shall be  
 5 no increase in the minimum percentage of funds reserved  
 6 under paragraph (1) unless there is an equivalent increase  
 7 in the funds appropriated under section 100(b)(1).”.

8 (b) RESERVATION FOR PRE-EMPLOYMENT TRANSI-  
 9 TION SERVICES.—Section 110 (29 U.S.C. 730) is amend-  
 10 ed by adding at the end the following:

11 “(d)(1) From any State allotment under subsection  
 12 (a) for a fiscal year, the State shall reserve not less than  
 13 15 percent of the allotted funds for the provision of transi-  
 14 tion services to assist students with disabilities and youth  
 15 with disabilities in transitioning from education or train-  
 16 ing to employment, which includes pre-employment transi-  
 17 tion services under section 114.

18 “(2) From the funds reserved under paragraph (1),  
 19 the designated State unit shall not expend more than 5  
 20 percent of the funds to pay for the administrative costs  
 21 of providing the transition services.

22 “(e)(1) For fiscal year 2014 and each fiscal year  
 23 thereafter, the Commissioner shall reserve, from the funds  
 24 appropriated under section 100(b) for each fiscal year, an  
 25 amount that is equal to 0.25 percent of those funds to



1 support the transition of students with disabilities and  
 2 youth with disabilities from education, or training, to com-  
 3 petitive integrated employment.

4 “(2) Such reserved funds may be used for—

5 “(A) the development of innovative policies,  
 6 practices, and programs;

7 “(B) the provision of technical assistance to  
 8 designated State units, employers, and individuals  
 9 with disabilities;

10 “(C) the development of regional partnerships  
 11 and technical assistance centers;

12 “(D) the provision of support and technical as-  
 13 sistance for the provision of services and coordina-  
 14 tion of activities under section 114; and

15 “(E) the dissemination of best practices regard-  
 16 ing the transition of students with disabilities and  
 17 youth with disabilities from education, or training,  
 18 to competitive integrated employment.”.

19 **SEC. 520. PAYMENTS TO STATES.**

20 Section 111(a)(2) (29 U.S.C. 731(a)(2)) is amended  
 21 by striking subparagraph (B) and inserting the following:

22 “(B) The amount otherwise payable to a State for  
 23 a fiscal year under this section shall be reduced by the  
 24 amount by which expenditures from non-Federal sources  
 25 under the State plan under this title for any previous fiscal

1 year are less than the total of such expenditures for the  
 2 second fiscal year preceding that previous fiscal year.”.

3 **SEC. 521. CLIENT ASSISTANCE PROGRAM.**

4 Section ~~112~~ (29 U.S.C. 732) is amended—

5 (1) in subsection (a)—

6 (A) in the first sentence—

7 (i) by striking “grants to States” and  
 8 inserting “grants to agencies designated  
 9 under subsection (c) (referred to individ-  
 10 ually in this section as a ‘designated CAP  
 11 agency’)”;

12 (ii) by inserting “including under sec-  
 13 tions ~~114~~ and ~~511~~,” after “all available  
 14 benefits under this Act,”; and

15 (iii) by inserting “and eligibility” after  
 16 “to ensure the protection of the rights”;  
 17 and

18 (B) in the second sentence, by striking  
 19 “disabilities in the State” and inserting “dis-  
 20 abilities in the State in which the program is lo-  
 21 cated”;

22 (2) in subsection (b), by striking the matter  
 23 preceding paragraph (1) and inserting “Neither an  
 24 agency within the State, nor the State, may receive  
 25 payments from an allotment under subsection (c) in

1 any fiscal year unless the State has designated  
 2 under subsection (c) an agency that—”;

3 ~~(3)~~ in subsection (c)—

4 (A) in paragraph (2), by inserting “(as de-  
 5 fined in section 106(a)(4))” after “consumer  
 6 organizations”; and

7 (B) in paragraph (3), by striking “agency  
 8 designated under this subsection” and inserting  
 9 “designated CAP agency”;

10 (4) in subsection (d), by striking “agency des-  
 11 ignated under subsection (c) of this section” and in-  
 12 serting “designated CAP agency”;

13 ~~(5)~~ in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by striking subparagraph (A) and  
 16 inserting the following:

17 “(A) After reserving funds under subparagraphs (E)  
 18 and (F), the Secretary shall allot the remainder of the  
 19 sums appropriated for each fiscal year under this section  
 20 among the designated CAP agencies within the States on  
 21 the basis of relative population of each State, except that  
 22 no such agency shall receive less than \$50,000.”;

23 (ii) in subparagraph (B), by inserting  
 24 “the designated CAP agencies located in”  
 25 before “American Samoa”; and

1 (iii) by striking subparagraph (D) and  
2 inserting the following:

3 “(D)(i) For any fiscal year for which the funds ap-  
4 propriated for such fiscal year under subsection (h) exceed  
5 \$7,500,000, the minimum allotment under this subsection  
6 shall be \$100,000 for the designated CAP agencies located  
7 in States and \$45,000 for the designated CAP agencies  
8 located in territories.

9 “(ii) For any fiscal year for which the total amount  
10 appropriated under subsection (h) exceeds the total  
11 amount appropriated under such subsection (or the cor-  
12 responding provision) for the preceding fiscal year, the  
13 Secretary shall increase each of the minimum allotments  
14 under clause (i) by a percentage that shall not exceed the  
15 percentage increase, calculated by dividing such total  
16 amount for the fiscal year involved by such total amount  
17 for the preceding fiscal year.

18 “(E)(i) For any fiscal year for which the amount ap-  
19 propriated under subsection (h) equals or exceeds  
20 \$13,000,000, and for each subsequent fiscal year, the Sec-  
21 retary shall reserve funds appropriated under subsection  
22 (h) to make a grant to the protection and advocacy system  
23 serving the American Indian Consortium, to provide des-  
24 ignated CAP agency services in accordance with the re-  
25 quirements of this section. The amount of such a grant

1 shall be the same amount as is provided to a territory  
 2 under subparagraph (B), as increased under clauses (i)  
 3 and, if applicable, (ii) of subparagraph (D).

4 “(ii) In this subparagraph:

5 “(I) The term ‘American Indian Consortium’  
 6 has the meaning given the term in section 102 of the  
 7 Developmental Disabilities Assistance and Bill of  
 8 Rights Act of 2000 (42 U.S.C. 15002).

9 “(H) The term ‘protection and advocacy sys-  
 10 tem’ means a protection and advocacy system estab-  
 11 lished under subtitle C of title I of the Develop-  
 12 mental Disabilities Assistance and Bill of Rights Act  
 13 of 2000 (42 U.S.C. 15041 et seq.).

14 “(F) For any fiscal year for which the amount appro-  
 15 priated under subsection (h) equals or exceeds  
 16 \$14,000,000, the Secretary shall reserve not less than 1.8  
 17 percent and not more than 2.2 percent of such amount  
 18 to provide a grant for training and technical assistance  
 19 for the programs established under this section. Such  
 20 training and technical assistance shall be coordinated with  
 21 activities provided under section 509(c)(1)(A).”;

22 (B) in paragraph (2)—

23 (i) except as provided in clause (ii), by  
 24 striking “State” each place it appears and  
 25 inserting “designated CAP agency”; and

1                   (ii) by striking “States” each place it  
 2                   appears and inserting “designated CAP  
 3                   agencies”; and

4                   (C) in paragraph (3), by striking “agency  
 5                   designated” and all that follows and inserting  
 6                   “designated CAP agency the amount specified  
 7                   in the application approved under subsection  
 8                   (f).”;

9                   (6) in subsection (f), by striking “State” and  
 10                  inserting “designated CAP agency”;

11                  (7) in paragraph (1) of subsection (g), by strik-  
 12                  ing “such programs” and inserting “the designated  
 13                  CAP agency of a State”; and

14                  (8) in subsection (h), by striking “1999  
 15                  through 2003” and inserting “2014 through 2018”.

16 **SEC. 522. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

17                  Part B of title I (29 U.S.C. 730 et seq.), is amended  
 18                  by adding at the end the following:

19 **“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

20                  “The Commissioner shall provide technical assistance  
 21                  for programs provided under this title regarding improv-  
 22                  ing the quality of vocational rehabilitation services pro-  
 23                  vided through the programs, including—

24                         “(1) consulting with the Department of Edu-  
 25                         cation, the Small Business Administration, other ap-

1       appropriate Federal agencies, State and local work-  
 2       force development boards, and businesses or busi-  
 3       ness-led intermediaries;

4           “(2) based on information obtained through the  
 5       consultations, providing—

6           “(A) technical assistance that improves  
 7       that quality by enabling designated State units  
 8       to develop successful partnerships with local  
 9       and multi-State businesses in an effort to em-  
 10      ploy individuals with disabilities; and

11          “(B) technical assistance on developing  
 12      self-employment opportunities and improving  
 13      employment outcomes for individuals with dis-  
 14      abilities; and

15          “(3) providing technical assistance to improve  
 16      the quality of vocational rehabilitation services pro-  
 17      grams carried out under section 121.”.

18   **SEC. 523. PRE-EMPLOYMENT TRANSITION SERVICES.**

19       Part B of title I (29 U.S.C. 730 et seq.), as amended  
 20   by section 522, is further amended by adding at the end  
 21   the following:

22   **“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION**  
 23       **SERVICES.**

24       “(a) IN GENERAL.—From the funds reserved under  
 25   section 110(d), and funds made available through other

1 funding sources; each State shall ensure that the des-  
 2 ignated State unit, in collaboration with the local edu-  
 3 cational agencies involved and other appropriate entities;  
 4 shall provide, or arrange for the provision of, pre-employ-  
 5 ment transition services.

6       “(b) ~~LOCAL PRE-EMPLOYMENT TRANSITION COOR-~~  
 7 ~~DINATOR.~~—

8               “(1) ~~COORDINATOR.~~—Each local office of a des-  
 9 ignated State unit shall designate staff to carry out  
 10 the responsibilities of ~~Local Pre-Employment Tran-~~  
 11 ~~sition Coordinators~~ for the local office, as well as ap-  
 12 propriate staff to support the ~~Coordinators~~ in ear-  
 13 rying out the responsibilities described in paragraph  
 14 (2).

15               “(2) ~~RESPONSIBILITIES.~~—It shall be the re-  
 16 sponsibility of a ~~Local Pre-Employment Transition~~  
 17 ~~Coordinator~~ to—

18                       “(A) attend individualized education pro-  
 19 gram meetings for students with disabilities;  
 20 when invited;

21                       “(B) work with the local workforce devel-  
 22 opment boards, one-stop centers, and employers  
 23 to develop job opportunities for students with  
 24 disabilities, including internships, summer em-  
 25 ployment opportunities and other employment



1 opportunities available throughout the school  
 2 year, and apprenticeships; and

3 “(C) work with schools, including those  
 4 carrying out activities under section  
 5 614(d)(1)(A)(i)(VIII) of the Individuals with  
 6 Disabilities Education Act (20 U.S.C.  
 7 1414(d)(1)(A)(i)(VIII)), to coordinate and en-  
 8 sure the provision of pre-employment transition  
 9 services for students with disabilities, including  
 10 services described in clauses (i) through (v) of  
 11 section 7(30)(B).

12 “(c) NATIONAL PRE-EMPLOYMENT TRANSITION CO-  
 13 ORDINATION.—

14 “(1) IN GENERAL.—The Secretary of Education  
 15 and the Secretary of Labor shall each designate a  
 16 lead staff person to fulfill the responsibilities of a  
 17 National Pre-Employment Transition Coordinator  
 18 for Students with Disabilities. The National Pre-  
 19 Employment Transition Coordinators shall work co-  
 20 operatively, and with other Federal agencies includ-  
 21 ing the Corporation for National and Community  
 22 Service, to develop and coordinate—

23 “(A) agency policies related to pre-employ-  
 24 ment transition services; and

1           “(B) resources to increase job opportuni-  
 2           ties for students with disabilities, including in-  
 3           ternships, summer employment opportunities  
 4           and other employment opportunities available  
 5           throughout the school year, and apprentice-  
 6           ships.

7           “(2) CONSTRUCTION.—Nothing in this sub-  
 8           section shall be construed to prohibit either Sec-  
 9           retary from assigning additional responsibilities,  
 10          other than the responsibilities described in this sub-  
 11          section, to a staff person designated under this sub-  
 12          section.”.

13 **SEC. 524. AMERICAN INDIAN VOCATIONAL REHABILITA-**  
 14 **TION SERVICES.**

15          Section 121 (29 U.S.C. 741) is amended—

16           (1) in subsection (a), in the first sentence, by  
 17           inserting before the period the following: “(referred  
 18           to in this section as ‘eligible individuals’), consistent  
 19           with such eligible individuals’ strengths, resources,  
 20           priorities, concerns, abilities, capabilities, interests,  
 21           and informed choice, so that such individuals may  
 22           prepare for, and engage in, high quality employment  
 23           that will increase opportunities for economic self-suf-  
 24           ficiency”;

25           (2) in subsection (b)—

1                   (A) in paragraph (1)—

2                   (i) in subparagraph (B), by striking  
3                   “and” at the end;

4                   (ii) in subparagraph (C), by striking  
5                   the period and inserting “; and”; and

6                   (iii) by adding at the end the fol-  
7                   lowing:

8                   “(D) contains assurances that—

9                   “(i) all decisions affecting eligibility  
10                  for vocational rehabilitation services; the  
11                  nature and scope of available vocational re-  
12                  habilitation services; and the provision of  
13                  such services; will be made by a represent-  
14                  ative of the tribal vocational rehabilitation  
15                  program funded through the grant; and

16                  “(ii) such decisions will not be dele-  
17                  gated to another agency or individual.”;  
18                  and

19                  (B) by striking paragraphs (3) and (4) and  
20                  inserting the following:

21                  “(3) If an application is approved under this part for  
22                  a grant, the resulting grant shall be for 5 years; if the  
23                  grant recipient complies with the program requirements  
24                  for the program carried out under this part (including the  
25                  regulations promulgated for the program). The grant shall

1 be renewed for additional 5-year periods if the Commis-  
 2 sioner determines that the grant recipient demonstrated  
 3 acceptable past performance and the grant recipient sub-  
 4 mits, and obtains approval by the Commissioner, for a  
 5 plan, including a proposed budget, that identifies future  
 6 performance criteria, goals, and objectives. The State shall  
 7 continue to provide vocational rehabilitation services under  
 8 the State plan to American Indians residing on or near  
 9 a reservation whenever such State includes any such  
 10 American Indians in its State population under section  
 11 110(a)(1).

12 “(4) In allocating funds for grants under this part,  
 13 the Secretary shall give priority to paying the continuation  
 14 costs of projects in existence on the date of the allocation  
 15 and may provide for increases in funding for such projects  
 16 that the Secretary determines to be necessary.”;

17 (3) by redesignating subsection (e) as sub-  
 18 section (d); and

19 (4) by inserting after subsection (b) the fol-  
 20 lowing:

21 “(c)(1) From the funds appropriated and made avail-  
 22 able to carry out this part for any fiscal year, beginning  
 23 with fiscal year 2014, the Commissioner shall first reserve  
 24 not less than 1.8 percent and not more than 2 percent  
 25 of the funds to provide training and technical assistance

1 to governing bodies described in subsection (a) for such  
2 fiscal year.

3       ~~“(2) From the funds reserved under paragraph (1),~~  
4 ~~the Commissioner shall make grants to, and enter into~~  
5 ~~contracts and other arrangements with, entities that have~~  
6 ~~experience in the operation of vocational rehabilitation~~  
7 ~~services programs under this section to provide such train-~~  
8 ~~ing and technical assistance with respect to developing,~~  
9 ~~conducting, administering, and evaluating such programs.~~

10       ~~“(3) The Commissioner shall conduct a survey of the~~  
11 ~~governing bodies regarding training and technical assist-~~  
12 ~~ance needs in order to determine funding priorities for~~  
13 ~~such grants, contracts, or other arrangements.~~

14       ~~“(4) To be eligible to receive a grant or enter into~~  
15 ~~a contract or other arrangement under this section, such~~  
16 ~~an entity shall submit an application to the Commissioner~~  
17 ~~at such time, in such manner, and containing a proposal~~  
18 ~~to provide such training and technical assistance, and con-~~  
19 ~~taining such additional information as the Commissioner~~  
20 ~~may require. The Commissioner shall provide for peer re-~~  
21 ~~view of grant applications by panels that include persons~~  
22 ~~who are not government employees and who have experi-~~  
23 ~~ence in the operation of vocational rehabilitation services~~  
24 ~~programs under this section.”.~~

1 **SEC. 525. VOCATIONAL REHABILITATION SERVICES CLIENT**  
 2 **INFORMATION.**

3 Section 131 (29 U.S.C. 751) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-  
 7 graph (A), by striking “Education” and in-  
 8 serting “Labor”; and

9 (ii) in subparagraph (B)(i), by strik-  
 10 ing “Rehabilitation Services Administra-  
 11 tion” and inserting “Disability Employ-  
 12 ment Services and Supports Administra-  
 13 tion”; and

14 (B) in paragraph (2), by striking “title I  
 15 of the Workforce Investment Act of 1998” and  
 16 inserting “title II of the Workforce Investment  
 17 Act of 2013”; and

18 (2) in subsection (b), by striking “Rehabilita-  
 19 tion Services Administration” and inserting “Dis-  
 20 ability Employment Services and Supports Adminis-  
 21 tration”.

22 **SEC. 526. GAO STUDY ON INTERACTION WITH THE TICKET**  
 23 **TO WORK AND SELF-SUFFICIENCY PROGRAM.**

24 (a) IN GENERAL.—The Comptroller General of the  
 25 United States shall conduct a study on the interaction of  
 26 programs carried out under title I of the Rehabilitation

1 Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to  
 2 Work and Self-Sufficiency Program established under sec-  
 3 tion 1148 of the Social Security Act (42 U.S.C. 1320b-  
 4 19); including the impact of the interaction on bene-  
 5 ficiaries; community rehabilitation programs (as defined  
 6 in section 7 of the Rehabilitation Act of 1973 (29 U.S.C.  
 7 705)); and designated State agencies (as so defined).

8 (b) CONDUCT OF STUDY.—In conducting the study  
 9 under paragraph (1), the Comptroller General of the  
 10 United States shall consult with all types of participants  
 11 in the Ticket to Work and Self-Sufficiency Program, in-  
 12 cluding the Social Security Administration, the Disability  
 13 Employment Services and Supports Administration, tick-  
 14 etholders, such designated State agencies, entities ear-  
 15 rying out such community rehabilitation programs (includ-  
 16 ing employment networks), protection and advocacy sys-  
 17 tems, relevant contractors, and organizations representing  
 18 the interests of ticketholders.

19 (c) REPORT TO CONGRESS.—Not later than 18  
 20 months after the date of enactment of this Act, the Comp-  
 21 troller General of the United States shall submit a report,  
 22 based on the findings of the study conducted pursuant to  
 23 this section, to the Committee on Education and the  
 24 Workforce of the House of Representatives, the Com-  
 25 mittee on Ways and Means of the House of Representa-

1 tives, the Committee on Health, Education, Labor, and  
 2 Pensions of the Senate, and the Committee on Finance  
 3 of the Senate.

## 4 **Subtitle C—Research and Training**

### 5 **SEC. 531. PURPOSE.**

6 Section 200 (29 U.S.C. 760) is amended—

7 (1) in paragraph (1), by inserting “technical as-  
 8 sistance,” after “training,”;

9 (2) in paragraph (2), by inserting “technical as-  
 10 sistance,” after “training,”;

11 (3) in paragraph (3)—

12 (A) in the matter preceding subparagraph

13 (A)—

14 (i) by inserting “, use, and adoption”  
 15 after “transfer”; and

16 (ii) by inserting “in a timely and effi-  
 17 cient manner,” after “disabilities”; and

18 (B) in subparagraph (D), by inserting  
 19 “and dissemination of research findings to indi-  
 20 viduals with disabilities and other interested en-  
 21 tities” after “technology”;

22 (4) in paragraph (5), by striking “and” after  
 23 the semicolon;

24 (5) in paragraph (6), by striking the period and  
 25 inserting “, and”, and



1           (6) by adding at the end the following:

2           “(7) identify effective strategies for supporting  
3       the employment of individuals with disabilities in  
4       competitive integrated employment.”.

5   **SEC. 532. AUTHORIZATION OF APPROPRIATIONS.**

6       Section 201(a) (29 U.S.C. 761(a)) is amended—

7           (1) in paragraph (1)—

8               (A) by striking “1999 through 2003” and  
9               inserting “2014 through 2018”;

10            (B) by striking “National Institute on Dis-  
11            ability and Rehabilitation Research” and insert-  
12            ing “National Institute on Disability, Inde-  
13            pendent Living, and Rehabilitation Research”;  
14            and

15            (C) by striking “Rehabilitation Research  
16            Advisory Council” and inserting “Disability,  
17            Independent Living, and Rehabilitation Re-  
18            search Advisory Council”; and

19            (2) in paragraph (2), by striking “1999  
20            through 2003” and inserting “2014 through 2018”.

21   **SEC. 533. NATIONAL INSTITUTE ON DISABILITY, INDE-**  
22           **PENDENT LIVING, AND REHABILITATION RE-**  
23           **SEARCH.**

24       Section 202 (29 U.S.C. 762) is amended—

1           (1) in the section heading, by inserting “,  
2       **INDEPENDENT LIVING,**” after “**DISABILITY**”;

3           (2) in subsection (a)—

4               (A) in paragraph (1)—

5                   (i) in the matter preceding subpara-  
6                   graph (A), by striking “Department of  
7                   Education” and all that follows through  
8                   “which” and inserting “Administration for  
9                   Community Living of the Department of  
10                  Health and Human Services a National In-  
11                  stitute on Disability, Independent Living,  
12                  and Rehabilitation Research (referred to in  
13                  this title as the ‘Institute’), which”; and

14                  (ii) in subparagraph (A)—

15                       (I) in clause (i), by inserting “,  
16                       as appropriate” after “research”;

17                       (II) in clause (ii), by striking  
18                       “and training; and” and inserting “,  
19                       training; and technical assistance,”;

20                       (III) by redesignating clause (iii)  
21                       as clause (iv); and

22                       (IV) by inserting after clause (ii)  
23                       the following:

1           “(iii) outreach and information that  
2           clarifies research implications for policy  
3           and practice; and”;

4           (B) in paragraph (2), by striking “di-  
5           rectly” and all that follows through the period  
6           and inserting “directly responsible to the Ad-  
7           ministrator for the Administration for Commu-  
8           nity Living of the Department of Health and  
9           Human Services.”;  
10          (3) in subsection (b)—

11           (A) in paragraph (2), by striking subpara-  
12           graphs (A) through (D) and inserting the fol-  
13           lowing:

14           “(A) individuals with disabilities and the  
15           individuals’ representatives;

16           “(B) other Federal, State, tribal, and local  
17           public agencies;

18           “(C) private organizations engaged in re-  
19           search relating to independent living, rehabilita-  
20           tion, or providing rehabilitation or independent  
21           living services;

22           “(D) rehabilitation practitioners; and

23           “(E) international organizations and other  
24           organizations, as appropriate.”;

(B) in paragraph (3), by striking “in rehabilitation” and inserting “on disability, independent living, and rehabilitation”;

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting “education, health care,” after “independent living,”; and

(ii) by striking subparagraphs (A) through (D) and inserting the following:

“(A) public and private entities, including—

“(i) elementary schools and secondary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

“(ii) institutions of higher education; and

“(iii) nongovernmental agencies and organizations;

“(B) rehabilitation practitioners;

“(C) employers and organizations representing employers with respect to employment-based educational materials or research;

“(D) individuals with disabilities (especially such individuals who are members of mi-

1           nurity groups or of populations that are  
 2           unserved or underserved by programs under  
 3           this Act);

4           “(E) the individuals’ representatives for  
 5           the individuals described in subparagraph (D);  
 6           and

7           “(F) the Committee on Health, Education,  
 8           Labor, and Pensions of the Senate, the Com-  
 9           mittee on Appropriations of the Senate, the  
 10          Committee on Education and the Workforce of  
 11          the House of Representatives, and the Com-  
 12          mittee on Appropriations of the House of Rep-  
 13          resentatives;”;

14          (D) in paragraph (6)—

15           (i) by striking “advances in rehabilita-  
 16           tion” and inserting “advances in disability,  
 17           independent living, and rehabilitation”;  
 18           and

19           (ii) by inserting “education, health  
 20           care,” after “independent living,”;

21          (E) in paragraph (7), by striking “taking  
 22          whatever action is necessary to keep the Con-  
 23          gress fully and currently informed” and insert-  
 24          ing “reporting to Congress annually”;

25          (F) in paragraph (8)—

1                   (i) by striking “health, income,” and  
2                   inserting “health care, income, edu-  
3                   cation,”; and

4                   (ii) by striking “and evaluation of vo-  
5                   cational and other” and inserting “and  
6                   evaluation of independent living, voca-  
7                   tional, and”;

8                   (G) in paragraph (9), by striking “with vo-  
9                   cational rehabilitation services for the purpose  
10                  of identifying effective rehabilitation programs  
11                  and policies that promote the independence of  
12                  individuals with disabilities and achievement of  
13                  long-term vocational goals” and inserting “with  
14                  independent living and vocational rehabilitation  
15                  services for the purpose of identifying effective  
16                  independent living and rehabilitation programs  
17                  and policies that promote the independence of  
18                  individuals with disabilities and achievement of  
19                  long-term independent living and employment  
20                  goals”;

21                  (H) in paragraph (10), by striking “and  
22                  telecommuting, and” and inserting “; supported  
23                  employment (including customized employ-  
24                  ment), and telecommuting”;

1           (I) in paragraph (11), by striking the pe-  
 2           riod and inserting “; and”; and

3           (J) by adding at the end the following:

4           “(12) ensuring that the research activities and  
 5           findings, demonstration projects, reports, evalua-  
 6           tions, studies, information described in this section,  
 7           as well as information about any reports in progress,  
 8           will be made publicly available in a timely manner,  
 9           including through electronic means (such as the  
 10          website of the Department of Health and Human  
 11          Services and other relevant government agency  
 12          websites) in order to inform the public about the re-  
 13          search and activities performed under this title.”;

14          (4) in subsection (d)(1), by striking the second  
 15          sentence and inserting the following: “The Director  
 16          shall be an individual with substantial knowledge  
 17          and experience in independent living, rehabilitation,  
 18          and research administration.”;

19          (5) in subsection (f)(1)—

20               (A) in the first sentence, by striking “fi-  
 21               nancial assistance” and inserting “funding”;  
 22               and

23               (B) by striking the second sentence and in-  
 24               serting the following: “The scientific peer re-  
 25               view shall be conducted by individuals who are

not Department of Health and Human Services employees. The Secretary shall consider for peer review individuals who are scientists or other experts in disability, independent living, and rehabilitation, including individuals with disabilities and the individuals' representatives, and who have sufficient expertise for the research funding.”;

(6) in subsection (h)—

(A) in paragraph (1)(A)—

(i) by striking “priorities for rehabilitation research,” and inserting “priorities for disability, independent living, and rehabilitation research,”; and

(ii) by inserting “dissemination,” after “training,”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “especially in the area of employment” and inserting “especially in the areas of employment and independent living”;

(ii) in subparagraph (D)—

(I) in clause (i), by striking “Rehabilitation” and inserting “Dis-



1 ability, Independent Living, and Re-  
 2 habilitation”; and

3 (II) in clause (iv), by striking  
 4 “researchers in the rehabilitation  
 5 field” and inserting “researchers in  
 6 the independent living and rehabilita-  
 7 tion fields”;

8 (iii) in subparagraph (E), by striking  
 9 “widespread dissemination of the results  
 10 of” and inserting “widespread dissemina-  
 11 tion of the information that clarifies impli-  
 12 cations of the results for policy and prac-  
 13 tice of”; and

14 (iv) in subparagraph (F), by inserting  
 15 “of information that clarifies implications  
 16 of the results for policy and practice and”  
 17 after “widespread dissemination”;

18 (7) in subsection (j), by striking paragraph (3);

19 and

20 (8) by striking subsection (k) and inserting the  
 21 following:

22 “(k) The Director shall make grants to institutions  
 23 of higher education for the training of independent living  
 24 and rehabilitation researchers, including individuals with  
 25 disabilities and traditionally underserved populations of

1 individuals with disabilities, as described in section 21,  
 2 with particular attention to research areas that—

3       “(1) support the implementation and objectives  
 4       of this Act; and

5       “(2) improve the effectiveness of services au-  
 6       thorized under this Act.

7       “(1)(1) Not later than December 31 of each year, the  
 8 Director shall prepare, and submit to the Secretary, the  
 9 Committee on Health, Education, Labor, and Pensions of  
 10 the Senate, and the Committee on Education and the  
 11 Workforce of the House of Representatives, a report on  
 12 the activities funded under this title.

13       “(2) The report under paragraph (1) shall include—

14       “(A) a compilation and summary of the infor-  
 15       mation provided by recipients of funding for such ac-  
 16       tivities under this title;

17       “(B) a summary of recipients funding received  
 18       under this title and the progress of the recipients of  
 19       funding in achieving the measurable goals described  
 20       in section 204(d)(2); and

21       “(C) a summary of practical implications of re-  
 22       search outcomes and anticipated next steps.

23       “(m)(1) If the Director determines that an entity  
 24       that receives funding under this title fails to comply with  
 25       the applicable requirements of this Act, or to make

1 progress toward achieving the measurable goals described  
 2 in section 204(d)(2), with respect to the covered activities  
 3 involved, the Director shall utilize available monitoring  
 4 and enforcement measures.

5 “(2) As part of the annual report required under sub-  
 6 section (1), the Secretary shall describe each action taken  
 7 by the Secretary under paragraph (1) and the outcomes  
 8 of such action.”.

9 **SEC. 534. INTERAGENCY COMMITTEE.**

10 Section 203 (29 U.S.C. 763) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “and cooperation” and in-  
 13 serting “, cooperation, and collaboration”;

14 (B) by striking “conducting rehabilitation  
 15 research” and inserting “conducting disability,  
 16 independent living, and rehabilitation research”;

17 (C) by striking “chaired by the Director”  
 18 and inserting “chaired by the Secretary of  
 19 Health and Human Services, or the Secretary’s  
 20 designee,”;

21 (D) by inserting “the Chairman of the Na-  
 22 tional Council on Disability, the Assistant Sec-  
 23 retary on Disability Employment Policy, Serv-  
 24 ices, and Supports, the Secretary of Defense,  
 25 the Administrator of the Administration for

Community Living,” after “Assistant Secretary for Special Education and Rehabilitative Services,”; and

(E) by striking “and the Director of the National Science Foundation.” and inserting “the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration. Each member of the Committee shall participate in 1 or more of the standing committees based on the responsibilities of the agency or office the member represents.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “from targeted individuals” and inserting “individuals with disabilities and their representatives”; and

(ii) by inserting “independent living and” before “rehabilitation”; and

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) share information regarding the range of assistive technology research, independent living research, and research that in-

1       corporate the principles of universal design;  
 2       that is being carried out by members of the  
 3       Committee and other Federal departments and  
 4       organizations;

5               “(B) identify and make efforts to address;  
 6       gaps in assistive technology research, inde-  
 7       pendent living research, and research that in-  
 8       corporate the principles of universal design;  
 9       that are not being adequately addressed.”;

10              (ii) in subparagraph (D), by striking  
 11       “and research that incorporates the prin-  
 12       ciples of universal design” and inserting “,  
 13       independent living research, and research  
 14       that incorporates the principles of uni-  
 15       versal design”; and

16              (iii) in subparagraph (E), by striking  
 17       “and research that incorporates the prin-  
 18       ciples of universal design.” and inserting “,  
 19       independent living research, and research  
 20       that incorporates the principles of uni-  
 21       versal design.”;

22       (3) by striking subsection (d);

23       (4) by redesignating subsection (e) as sub-  
 24       section (d);

1           ~~(5) by inserting after subsection (b) the fol-~~  
2           ~~lowing:~~

3           ~~“(c)(1) Not later than 2 years after the date of enact-~~  
4           ~~ment of the Workforce Investment Act of 2013, and not~~  
5           ~~later than every 3 years thereafter, the Committee shall~~  
6           ~~host a disability, independent living, and rehabilitation re-~~  
7           ~~search summit bringing together policymakers, represent-~~  
8           ~~atives from Federal agencies conducting disability, inde-~~  
9           ~~pendent living, and rehabilitation research, and organiza-~~  
10          ~~tions representing individuals with disabilities, research-~~  
11          ~~ers, and providers.~~

12          ~~“(2) Based on the proceedings of the summit de-~~  
13          ~~scribed in paragraph (1), the Committee shall develop a~~  
14          ~~comprehensive governmentwide strategic plan for dis-~~  
15          ~~ability, independent living, and rehabilitation research.~~  
16          ~~The strategic plan shall include measurable goals and ob-~~  
17          ~~jectives, action-oriented measures, timetables, budgets,~~  
18          ~~and assignment of responsible individuals and agencies for~~  
19          ~~carrying out research activities. At a minimum, the stra-~~  
20          ~~tegic plan shall include—~~

21                 ~~“(A) research priorities and recommendations;~~

22                 ~~“(B) the development of a searchable govern-~~  
23                 ~~mentwide inventory of disability, independent living,~~  
24                 ~~and rehabilitation research for trend and data anal-~~  
25                 ~~ysis across Federal agencies;~~

1           “(C) a set of guiding principles and policies and  
 2           procedures for conducting and administering dis-  
 3           ability, independent living, and rehabilitation re-  
 4           search across Federal agencies; and

5           “(D) a summary of underemphasized and of  
 6           duplicative areas of research.

7           “(3) Not later than 90 days after the conclusion of  
 8           the summit described in paragraph (1), the strategic plan  
 9           described in paragraph (2) shall be submitted to the Presi-  
 10          dent and the Committee on Health, Education, Labor, and  
 11          Pensions of the Senate and the Committee on Education  
 12          and the Workforce of the House of Representatives.

13          “(4) The annual report prepared by the Committee  
 14          under subsection (d) shall include an annual accounting  
 15          of the progress made in implementing the strategic plan  
 16          described in paragraph (2), including achievement of  
 17          measurable goals and objectives, timetables, budgets, and  
 18          the assignment of responsible individuals and agencies.

19          “(5) The Committee shall have the authority to facili-  
 20          tate collaborative projects among Federal agencies by re-  
 21          ceiving the transfer of funds from such agencies.”;

22                 (6) in subsection (d), as redesignated by para-  
 23          graph (4)—

24                         (A) in the matter preceding paragraph (1),  
 25                         by striking “Committee on Labor and Human

Resources of the Senate” and inserting “Committee on Health, Education, Labor, and Pensions of the Senate”; and

(B) by striking paragraph (1) and inserting the following:

“(1) describes the progress of the Committee in fulfilling the duties described in subsections (b) and (c), and including specifically for subsection (c)—

“(A) a report of the progress made in implementing the strategic plan;

“(B) a description of the achievement of measurable goals, objectives, and timetables;

“(C) detailed budgetary information; and

“(D) the assignment of responsible individuals and agencies.”; and

(7) in subsection (c)—

(A) in paragraph (1), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the term ‘independent living research’ means research on issues and topics related to attaining maximum self sufficiency and function by individuals with disabilities, including research on as-



1       sistive technology and universal design, employment,  
 2       education, health and function, and community inte-  
 3       gration and participation.”.

4   **SEC. 535. RESEARCH AND OTHER COVERED ACTIVITIES.**

5       Section 204 (29 U.S.C. 764) is amended—

6           (1) in subsection (a)—

7               (A) in paragraph (1)—

8                   (i) by striking “pay part of” and in-  
 9                   serting “fund”;

10                  (ii) by inserting “have practical real  
 11                  life applications and” before “maximize”;  
 12                  and

13                  (iii) by striking “employment, inde-  
 14                  pendent living,” and inserting “employ-  
 15                  ment, education, independent living, health  
 16                  care,”;

17           (B) in paragraph (2)—

18                  (i) in subparagraph (A), by inserting  
 19                  “and from which the research findings can  
 20                  be transferred to practice” after “State  
 21                  agencies”; and

22                  (ii) in subparagraph (B)—

23                   (I) by striking clause (ii) and in-  
 24                   serting the following:

1           “(ii) studies and analysis of factors related to  
 2           industrial, vocational, educational, employment, so-  
 3           cial, recreational, psychiatric, psychological, eco-  
 4           nomic, and health and health care variables for indi-  
 5           viduals with disabilities, including traditionally un-  
 6           derserved populations as described in section 21, and  
 7           how those variables affect such individuals’ ability to  
 8           live independently and their participation in the  
 9           labor force;”;

10                       (II) in clause (iii), by striking  
 11                       “are homebound” and inserting “have  
 12                       significant challenges attempting to  
 13                       engage with community life outside of  
 14                       their homes”;

15                       (III) in clause (iv), by inserting  
 16                       “, including the principles of universal  
 17                       design and the interoperability of  
 18                       products and services” after “disabil-  
 19                       ities”;

20                       (IV) in clause (v), by inserting “,  
 21                       and to promote employment opportu-  
 22                       nities in competitive integrated em-  
 23                       ployment” after “employment”;

24                       (V) in clause (vi), by striking  
 25                       “and” after the semicolon;

1                   (VI) in clause (vii), by striking  
 2                   “and assistive technology.” and in-  
 3                   serting “; assistive technology; and  
 4                   communications technology; and”; and  
 5                   (VII) by adding at the end the  
 6                   following:

7                   “(viii) studies, analyses, and other activities af-  
 8                   fecting employment outcomes as defined in section  
 9                   7(11), including self-employment and telecommuting;  
 10                  of individuals with disabilities.”; and

11                  (C) by adding at the end the following:

12                  “(3) In carrying out this section, the Director shall  
 13                  emphasize covered activities that include plans for—

14                   “(A) dissemination of high quality materials,  
 15                   scientifically valid research results, or findings, con-  
 16                   clusions, and recommendations resulting from cov-  
 17                   ered activities, including through electronic means  
 18                   (such as the website of the Department of Health  
 19                   and Human Services); so that such information is  
 20                   available in a timely manner to the general public;  
 21                   or

22                   “(B) the commercialization of marketable prod-  
 23                   ucts, research results, or findings, resulting from the  
 24                   covered activities.”;

25                  (2) in subsection (b)—

1           (A) in paragraph (1), by striking “(18)”  
 2           both places the term appears and inserting  
 3           “(17)”;

4           (B) in paragraph (2)—

5           (i) in subparagraph (A), by striking  
 6           clauses (i) and (ii) and inserting the fol-  
 7           lowing:

8           “(i) be operated in collaboration with institu-  
 9           tions of higher education or providers of rehabilita-  
 10          tion services; developers or providers of assistive  
 11          technology devices; assistive technology services; or  
 12          information technology devices or services; as appro-  
 13          priate; or providers of other appropriate services;  
 14          and

15          “(ii) serve as centers of national excellence and  
 16          national or regional resources for individuals with  
 17          disabilities; as well as providers; educators; and re-  
 18          searchers.”;

19          (ii) in subparagraph (B)—

20               (I) by striking clause (i) and in-  
 21               serting the following:

22               “(i) conducting coordinated and ad-  
 23               vanced programs of research in inde-  
 24               pendent living and rehabilitation targeted  
 25               toward the production of new knowledge

1           that will improve independent living and  
 2           rehabilitation methodology and service de-  
 3           livery systems, maximize health and func-  
 4           tion (including alleviating or stabilizing  
 5           conditions, or preventing secondary condi-  
 6           tions); and promote maximum social and  
 7           economic independence of individuals with  
 8           disabilities, including promoting the ability  
 9           of the individuals to prepare for, secure,  
 10          retain, regain, or advance in employ-  
 11          ment;”;

12                       (II) by redesignating clauses (ii),  
 13                       (iii), and (iv), as clauses (iii), (iv), and  
 14                       (v), respectively;

15                       (III) by inserting after clause (i)  
 16                       the following:

17           “(ii) conducting coordinated and advanced pro-  
 18           grams in research in employer practices targeted to-  
 19           ward production of new knowledge that will facilitate  
 20           the ability of employers to identify, recruit, accom-  
 21           modate, advance, and retain qualified individuals  
 22           with disabilities;”;

23                       (IV) in clause (iii), as redesign-  
 24                       ated by subclause (II), by inserting

1 “independent living and” before “re-  
 2 habilitation services”;

3 (V) in clause (iv), as redesignated  
 4 by subclause (H)—

5 (aa) by inserting “inde-  
 6 pendent living and” before “reha-  
 7 bilitation” each place the term  
 8 appears; and

9 (bb) by striking “and” after  
 10 the semicolon; and

11 (VI) by striking clause (v), as re-  
 12 designated by subclause (H), and in-  
 13 serting the following:

14 “(v) serving as an informational and technical  
 15 assistance resource to individuals with disabilities, as  
 16 well as to providers, educators, and researchers,  
 17 through conferences, workshops, public education  
 18 programs, in-service training programs, and similar  
 19 activities and providing outreach and information  
 20 that clarifies research implications for policy and  
 21 practice to promote the use of research findings  
 22 through training, technical assistance, and dissemi-  
 23 nation, including identifying potential new areas of  
 24 research; and

1           “(vi) developing practical applications for the  
2 findings of the research of the Centers.”;

3                   (iii) in subparagraph (C)—

4                       (I) in clause (i), by inserting “,  
5 including research on assistive tech-  
6 nology devices, assistive technology  
7 services, and accessible electronic and  
8 information technology devices” after  
9 “research”;

10                   (II) in clause (ii)—

11                       (aa) by striking “and social”  
12 and inserting “, social, and eco-  
13 nomic”; and

14                       (bb) by inserting “inde-  
15 pendent living and” before “reha-  
16 bilitation”; and

17                   (III) by striking clauses (iii)  
18 through (vi) and inserting the fol-  
19 lowing:

20                   “(iii) improving the evaluation process for de-  
21 termining the assistive technology needs of individ-  
22 uals with disabilities;

23                   “(iv) research related to vocational rehabilita-  
24 tion, including the use of assistive technology devices

1 and accessible electronic and information technology  
 2 devices in employment;

3 “(v) continuation of research that promotes the  
 4 emotional, social, educational, and functional growth  
 5 of children who are individuals with disabilities, as  
 6 well as their integration in school, employment, and  
 7 community activities;

8 “(vi) continuation of research to develop and  
 9 evaluate interventions, policies, and services that  
 10 support families of those children and adults who  
 11 are individuals with disabilities;

12 “(vii) continuation of research that will improve  
 13 services and policies that foster the independence  
 14 and social integration of individuals with disabilities,  
 15 and enable individuals with disabilities, including in-  
 16 dividuals with intellectual disabilities and other de-  
 17 velopmental disabilities, to live in their communities;  
 18 and

19 “(viii) research, dissemination, and technical as-  
 20 sistance on best practices in supported employment  
 21 and other strategies to promote competitive inte-  
 22 grated employment for persons with the most signifi-  
 23 cant disabilities.”;

24 (iv) by striking subparagraph (D) and  
 25 inserting the following:



1       “(D) Training of students preparing to be inde-  
 2       pendent living or rehabilitation personnel or to provide  
 3       independent living, rehabilitative, assistive, or supportive  
 4       services (such as rehabilitation counseling, personal care  
 5       services, direct care, job coaching, aides in school based  
 6       settings, or advice or assistance in utilizing assistive tech-  
 7       nology devices, assistive technology services, and accessible  
 8       electronic and information technology devices and serv-  
 9       ices) shall be an important priority for each such Center.”;

10                       (v) in subparagraph (E), by striking  
 11       “comprehensive”;

12                       (vi) in subparagraph (G)(i), by insert-  
 13       ing “independent living and” before “reha-  
 14       bilitation-related”;

15                       (vii) by striking subparagraph (I); and

16                       (viii) by redesignating subparagraphs  
 17       (J) through (O) as subparagraphs (I)  
 18       through (N), respectively;

19       (C) in paragraph (3)—

20                       (i) in subparagraph (A), by inserting  
 21       “independent living strategies and” before  
 22       “rehabilitation technology”;

23                       (ii) in subparagraph (B)—

1 (I) in clause (i)(I), by inserting  
 2 “independent living and” before “re-  
 3 habilitation problems”;

4 (II) in clause (ii)(II), by striking  
 5 “employment” and inserting “edu-  
 6 cational, employment,”; and

7 (III) in clause (iii)(II), by strik-  
 8 ing “employment” and inserting “edu-  
 9 cational, employment,”;

10 (iii) in subparagraph (D)(i)(II), by  
 11 striking “postschool” and inserting “post-  
 12 secondary education, competitive inte-  
 13 grated employment, and other age-appro-  
 14 priate”; and

15 (iv) in subparagraph (G)(ii), by in-  
 16 serting “the success of any commercialized  
 17 product researched or developed through  
 18 the Center,” after “individuals with dis-  
 19 abilities,”;

20 (D) in paragraph (4)(B)—

21 (i) in clause (i)—

22 (I) by striking “vocational” and  
 23 inserting “independent living, employ-  
 24 ment”;

1 (H) by striking “special” and in-  
2 serting “unique”; and

3 (III) by inserting “social and  
4 functional needs; and” before “acute  
5 care”; and

6 (ii) in clause (iv), by inserting “edu-  
7 cation; health care,” after “employment,”;

8 (E) by striking paragraph (8) and insert-  
9 ing the following:

10 “(8) Grants may be used to conduct a program  
11 of joint projects with the National Institutes of  
12 Health, the National Institute of Mental Health, the  
13 Health Services Administration, the Administration  
14 on Aging, the Administration for Community Living,  
15 the National Science Foundation, the Department of  
16 Veterans Affairs, the Department of Defense, the  
17 Substance Abuse and Mental Health Services Ad-  
18 ministration, the Federal Communications Commis-  
19 sion, the Department of Health and Human Serv-  
20 ices, the National Aeronautics and Space Adminis-  
21 tration, the Department of Commerce, the Small  
22 Business Administration, the Department of Labor,  
23 other Federal agencies, and private industry in areas  
24 of joint interest involving rehabilitation.”;

25 (F) by striking paragraphs (9) and (11);

1           (G) by redesignating paragraphs (10),  
 2           (12), (13), (14), (15), (16), (17), and (18), as  
 3           paragraphs (9), (10), (11), (12), (13), (14),  
 4           (15), and (16), respectively;

5           (H) in paragraph (11), as redesignated by  
 6           subparagraph (G)—

7                 (i) in the matter preceding subpara-  
 8                 graph (A), by striking “employment needs  
 9                 of individuals with disabilities, including”  
 10                and inserting “employment needs, opportu-  
 11                nities, and outcomes (including those relat-  
 12                ing to self-employment, supported employ-  
 13                ment, and telecommuting) of individuals  
 14                with disabilities, including”;

15               (ii) in subparagraph (B), by inserting  
 16                “and employment related” after “the em-  
 17                ployment”;

18               (iii) in subparagraph (E), by striking  
 19                “and” after the semicolon;

20               (iv) in subparagraph (F), by striking  
 21                the period at the end and inserting “;  
 22                and”; and

23               (v) by adding at the end the following:

24                “(G) develop models and alternatives to  
 25                help transition sheltered workshops for individ-

uals with disabilities to competitive integrated employment for such individuals, and develop recommendations for decreasing reliance on the special minimum wage certificate program under section 14(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(e)).”;

(I) in paragraph (12), as redesignated by subparagraph (G)—

(i) in the matter preceding subparagraph (A), by inserting “an independent living or” after “conduct”;

(ii) in subparagraph (D), by inserting “independent living or” before “rehabilitation”; and

(iii) in the matter following subparagraph (E), by striking “National Institute on Disability and Rehabilitation Research” and inserting “National Institute on Disability, Independent Living, and Rehabilitation Research”;

(J) in paragraph (13), as redesignated by subparagraph (G), by inserting “independent living and” before “rehabilitation needs”; and

(K) in paragraph (14), as redesignated by subparagraph (G), by striking “and access to

1           gainful employment.” and inserting “, full par-  
 2           ticipation, equal opportunity, and economic self-  
 3           sufficiency.”; and

4           (3) by adding at the end the following:

5           “(d)(1) In awarding grants, contracts, or other fund-  
 6           ing under this title, the Director shall award the funding  
 7           on a competitive basis:

8           “(2)(A) To be eligible to receive funds under this sec-  
 9           tion for a covered activity, an entity shall submit an appli-  
 10          cation to the Director at such time, in such manner, and  
 11          containing such information as the Director may require:

12          “(B) The application shall include information de-  
 13          scribing—

14               “(i) measurable goals, as established through  
 15               section 1115 of title 31, United States Code, and a  
 16               timeline and specific plan for meeting the goals; that  
 17               the applicant has set for addressing priorities related  
 18               to—

19                       “(I) commercialization of a marketable  
 20                       product (including a marketable curriculum or  
 21                       research) resulting from the covered activity;

22                       “(II) in the case of a covered activity relat-  
 23                       ing to technology, technology transfer;

24                       “(III) in the case of research, dissemina-  
 25                       tion of research results to, as applicable, Gov-

1           ernment entities; individuals with disabilities;  
2           covered schools; the independent living commu-  
3           nity; the business community; the assistive tech-  
4           nology community; and the accessible electronic  
5           and information technology community; and

6           “(IV) other priorities as required by the  
7           Director; and

8           “(ii) how the applicant will quantifiably meas-  
9           ure the goals to determine whether the goals have  
10          been accomplished.

11          “(3)(A) In the case of an application for funding  
12          under this section to carry out a covered activity that re-  
13          sults in the development of a marketable product, the ap-  
14          plication shall also include a commercialization and dis-  
15          semination plan; as appropriate, containing commer-  
16          cialization and marketing strategies for the product in-  
17          volved; and strategies for disseminating information about  
18          the product. The funding shall not be used to carry out  
19          the commercialization and marketing strategies.

20          “(B) In the case of any other application for funding  
21          to carry out a covered activity under this section, the ap-  
22          plication shall also include a dissemination plan; con-  
23          taining strategies for disseminating educational materials;  
24          research results; or findings, conclusions, and rec-  
25          ommendations, resulting from the covered activity.”.

1 **SEC. 536. DISABILITY, INDEPENDENT LIVING, AND REHA-**  
 2 **BILITATION RESEARCH ADVISORY COUNCIL.**

3 Section 205 (29 U.S.C. 765) is amended—

4 (1) in the section heading, by inserting “**DIS-**  
 5 **ABILITY, INDEPENDENT LIVING, AND**” before  
 6 **“REHABILITATION”**;

7 (2) in subsection (a)—

8 (A) by striking “Department of Education  
 9 a Rehabilitation Research Advisory Council”  
 10 and inserting “Department of Health and  
 11 Human Services a Disability, Independent Liv-  
 12 ing, and Rehabilitation Research Advisory  
 13 Council”; and

14 (B) by inserting “not less than” after  
 15 “composed of”;

16 (3) by striking subsection (c) and inserting the  
 17 following:

18 “(c) **QUALIFICATIONS.**—Members of the Council  
 19 shall be generally representative of the community of dis-  
 20 ability, independent living, and rehabilitation profes-  
 21 sionals; the community of disability, independent living,  
 22 and rehabilitation researchers; the directors of inde-  
 23 pendent living centers and community rehabilitation pro-  
 24 grams; the business community (including a representa-  
 25 tive of the small business community) that has experience  
 26 with the system of vocational rehabilitation services and



1 independent living services carried out under this Act and  
 2 with hiring individuals with disabilities; the community of  
 3 stakeholders involved in assistive technology; the commu-  
 4 nity of covered school professionals; the community of in-  
 5 dividuals with disabilities; and the individuals' representa-  
 6 tives. At least one-half of the members shall be individuals  
 7 with disabilities or the individuals' representatives.”; and

8           (4) in subsection (g), by striking “Department  
 9       of Education” and inserting “Department of Health  
 10      and Human Services”.

11 **SEC. 537. DEFINITION OF COVERED SCHOOL.**

12       Title II (29 U.S.C. 760) is amended by adding at  
 13 the end the following:

14 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

15       “**In this title, the term ‘covered school’ means an ele-**  
 16 **mentary school or secondary school (as such terms are de-**  
 17 **fin ed in section 9101 of the Elementary and Secondary**  
 18 **Education Act of 1965 (20 U.S.C. 7801)) or an institution**  
 19 **of higher education.”.**

1 **Subtitle D—Professional Develop-**  
 2 **ment and Special Projects and**  
 3 **Demonstration**

4 **SEC. 541. PURPOSE; TRAINING.**

5 (a) PURPOSE.—Section 301(a)(5) (29 U.S.C.  
 6 771(a)(5)) is amended by striking “workforce investment  
 7 systems” and inserting “workforce development systems”.

8 (b) TRAINING.—Section 302 (29 U.S.C. 772) is  
 9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E)—

13 (I) by striking all after “deliver”  
 14 and inserting “supported employment  
 15 services and customized employment  
 16 services to individuals with the most  
 17 significant disabilities”; and

18 (II) by striking “and” after the  
 19 semicolon;

20 (ii) in subparagraph (F), by striking  
 21 “and” after the semicolon;

22 (iii) in subparagraph (G), by striking  
 23 the period at the end and inserting “;  
 24 and”; and

1                   (iv) by adding at the end the fol-  
2                   lowing:

3                   “(H) personnel trained in providing assist-  
4                   ive technology services.”;

5                   (B) in paragraph (4)—

6                   (i) in the matter preceding subpara-  
7                   graph (A), by striking “title I of the Work-  
8                   force Investment Act of 1998” and insert-  
9                   ing “title II of the Workforce Investment  
10                  Act of 2013”;

11                  (ii) in subparagraph (A), by striking  
12                  “workforce investment system” and insert-  
13                  ing “workforce development system”; and

14                  (iii) in subparagraph (B), by striking  
15                  “section 134(e) of the Workforce Invest-  
16                  ment Act of 1998.” and inserting “section  
17                  221(e) of the Workforce Investment Act of  
18                  2013.”; and

19                  (C) in paragraph (5)—

20                  (i) by striking “title I of the Work-  
21                  force Investment Act of 1998” and insert-  
22                  ing “title II of the Workforce Investment  
23                  Act of 2013”; and

1                   (ii) by striking “Department of  
2                   Labor” and inserting “Department of  
3                   Education”;

4                   (2) in subsection (b)(1)(B)(i), by striking “or  
5                   prosthetics and orthotics” and inserting “prosthetics  
6                   and orthotics, vision rehabilitation therapy, orienta-  
7                   tion and mobility instruction, or low vision therapy”;  
8                   (3) in subsection (g)—

9                   (A) in paragraph (1), by adding after the  
10                  period the following: “Any technical assistance  
11                  provided to community rehabilitation programs  
12                  shall be focused on the employment outcome of  
13                  competitive integrated employment for individ-  
14                  uals with disabilities.”; and

15                  (B) in paragraph (3)—

16                   (i) in subparagraph (A), by striking  
17                   clause (iv) and inserting the following:

18                   “(iv) for the 2 years following the  
19                   date of enactment of the Workforce Invest-  
20                   ment Act of 2013, to provide training re-  
21                   garding the amendments made to this Act  
22                   under title V of the Workforce Investment  
23                   Act of 2013.”; and

24                   (ii) in subparagraph (B), by striking  
25                   “on the date of enactment of the Rehabili-

1           tation Act Amendments of 1998” and in-  
 2           serting “on the date of enactment of the  
 3           Workforce Investment Act of 2013”; and  
 4           (4) in subsection (i), by striking “fiscal years  
 5           1999 through 2003” and inserting “fiscal years  
 6           2014 through 2018”.

7 **SEC. 542. DEMONSTRATION AND TRAINING PROGRAMS.**

8           Section 303 (29 U.S.C. 773) is amended—

9           (1) in subsection (b)—

10           (A) in paragraph (3)(A), by striking “Na-  
 11           tional Institute on Disability and Rehabilitation  
 12           Research” and inserting “National Institute on  
 13           Disability, Independent Living, and Rehabilita-  
 14           tion Research”;

15           (B) in paragraph (5)—

16           (i) in subparagraph (A)—

17           (I) by striking clause (i) and in-  
 18           serting the following:

19           “(i) an initiative focused on improving  
 20           transition from education to employment  
 21           for youth who are individuals with signifi-  
 22           cant disabilities, particularly in competitive  
 23           integrated employment, as described in  
 24           subsection (c);” and

1 (H) by striking clause (iii) and  
 2 inserting the following:

3 “(iii) increasing competitive integrated  
 4 employment for individuals with significant  
 5 disabilities.”; and

6 (ii) in subparagraph (B)(viii), by  
 7 striking “under title I of the Workforce In-  
 8 vestment Act of 1998” and inserting  
 9 “under title II of the Workforce Invest-  
 10 ment Act of 2013”; and

11 (C) by striking paragraph (6);

12 (2) by redesignating subsections (e), (d), and  
 13 (e), as subsections (f), (g), and (h), respectively;

14 (3) by inserting after subsection (b) the fol-  
 15 lowing:

16 “(c) NATIONAL TRANSITION INITIATIVE FOR YOUTH  
 17 WITH SIGNIFICANT DISABILITIES.—

18 “(1) PURPOSE.—The purpose of this subsection  
 19 is to demonstrate and increase systemic reforms nec-  
 20 essary for promoting the effective transition of cov-  
 21 ered students from secondary school to competitive  
 22 integrated employment settings and opportunities;  
 23 and ultimately to create enduring systems of service  
 24 delivery and training within States that facilitate the  
 25 transition of covered students from school to post-

secondary life with the emphasis on achieving the  
outcome of competitive integrated employment.

~~“(2) COVERED STUDENTS.—~~

~~“(A) IN GENERAL.—In this subsection, the  
term ‘covered student’ means an individual who  
is not younger than 14 years of age and has not  
yet attained 22 years of age, who is within 3  
years of leaving secondary school and for whom,  
without an alternative intervention, the antici-  
pated outcome would likely be placement in a  
facility-based day habilitation program, or in a  
vocational or employment program where the  
individual is paid less than minimum wage, or  
a lack of further training and assistance and  
who—~~

~~“(i) is an individual with an intellec-  
tual disability;~~

~~“(ii) is an individual with a develop-  
mental disability, as the term is defined in  
section 102 of the Developmental Disabil-  
ities Assistance and Bill of Rights Act of  
2000 (42 U.S.C. 15002); or~~

~~“(iii) is an individual with mental ill-  
ness.~~

1           “(B) INDIVIDUAL WITH AN INTELLECTUAL  
2           DISABILITY.—In this paragraph, the term ‘indi-  
3           vidual with an intellectual disability’ means an  
4           individual with a cognitive impairment, charac-  
5           terized by significant limitations in—

6                   “(i) intellectual and cognitive func-  
7                   tioning; and

8                   “(ii) adaptive behavior as expressed in  
9                   conceptual, social, and practical adaptive  
10                  skills.

11          “(3) AWARDS AUTHORIZED.—

12               “(A) COMPETITIVE AWARDS AUTHOR-  
13               IZED.—The Commissioner may award grants,  
14               contracts, and cooperative agreements, on a  
15               competitive basis, to eligible entities described  
16               in paragraph (4), to enable such entities to  
17               carry out activities aimed at creating systemic  
18               reform focused on the improvement of employ-  
19               ment outcomes in integrated settings at min-  
20               imum wage or higher with commensurate bene-  
21               fits for covered students.

22               “(B) DURATION.—The Commissioner shall  
23               award grants, contracts, and cooperative agree-  
24               ments under this subsection for 5 years.



1           “(4) ELIGIBLE ENTITIES.—To be eligible to re-  
2       ceive a grant, contract, or cooperative agreement  
3       under this subsection, an applicant shall establish a  
4       consortium that—

5           “(A) is managed by a multidisciplinary  
6       team to include the State Department of Labor,  
7       the State educational agency, the State voca-  
8       tional rehabilitation agency, and either the  
9       State Agency on Developmental Disabilities  
10      Services or the State Department of Mental  
11      Health Services, or both if individuals with in-  
12      tellectual disabilities, developmental disabilities,  
13      and mental illness are targeted populations of  
14      the applicant;

15          “(B) includes representatives from the de-  
16      velopmental disability and mental health serv-  
17      ices community (including statewide provider  
18      agencies such as the Developmental Disabilities  
19      Planning Councils and the University Centers  
20      for Excellence in Developmental Disabilities), as  
21      well as individuals with disabilities and their ad-  
22      vocates; and

23          “(C) includes additional public and private  
24      entities, with demonstrated expertise in pro-  
25      viding supported employment services in inte-

1           grated settings at minimum wage or higher  
2           with commensurate benefits for covered stu-  
3           dents and with expertise in the provision of em-  
4           ployment supports; and that—

5                   “(i) have a proven track record in suc-  
6                   cessfully running supported employment  
7                   programs;

8                   “(ii) provide employment services that  
9                   are integrated community-based supported  
10                  employment services resulting in jobs at  
11                  minimum wage or higher with commensu-  
12                  rate benefits;

13                  “(iii) have expertise in creating nat-  
14                  ural supports for employment;

15                  “(iv) have expertise in providing com-  
16                  puter training for the targeted population  
17                  for the project involved; or

18                  “(v) have experience operating men-  
19                  toring programs for the target population  
20                  in middle schools and high schools for not  
21                  less than the previous 10 years in diverse  
22                  communities throughout the Nation.

23           “(5) APPLICATIONS.—Each eligible entity desir-  
24           ing to receive a grant, contract, or cooperative agree-  
25           ment under this subsection shall submit an applica-

tion to the Commissioner at such time, in such manner, and including such information as the Commissioner may require. Each application shall include—

“(A) a comprehensive implementation plan describing the actions the consortium intends to take to carry out the activities authorized in this subsection;

“(B) a description of the means and mechanisms by which participating State agencies will coordinate efforts to evaluate and reform existing State policies, regulations, guidelines, operational procedures, and funding structures to institute systemic change focused on improving employment outcomes in integrated settings at minimum wage or higher with commensurate benefits;

“(C) an evaluation plan detailing the strategy the consortium will deploy to evaluate the project, with a specific focus on the collection of data on participants, including the following information:

“(i) The number of covered students who directly enter competitive integrated employment upon exiting the school system.

1                   “(ii) The wages and number of hours  
2                   worked of such covered students per pay  
3                   period.

4                   “(iii) The impact of employment on  
5                   any Federal and State benefits received.

6                   “(iv) Indicators of improved economic  
7                   status and self-sufficiency.

8                   “(v) Data on those covered students  
9                   who have not yet been placed in competi-  
10                  tive integrated employment, including the  
11                  reasons that the covered students were not  
12                  placed in competitive integrated employ-  
13                  ment, as well as the progress made to date  
14                  in the acquisition of skills, training, and  
15                  development necessary to attain competi-  
16                  tive integrated employment;

17                  “(D) a description of the ways in which  
18                  the consortium will disseminate information  
19                  about the activities and the impact of the activi-  
20                  ties on the lives of covered students served by  
21                  the project;

22                  “(E) a description of the approaches the  
23                  consortium intends to use to coordinate activi-  
24                  ties with other relevant service providers in the  
25                  localities in which the effort will be focused, in-

cluding Centers for Independent Living under title VII; and

“(F) a description of the policies and procedures, including specific program strategies and financial responsibilities, that the partners in the consortium (including the State agency responsible for the education of students with disabilities under the Individuals with Disabilities Education Act) will implement in order to develop and maintain a collaborative and coordinated network of services and providers.

“(6) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant, contract, or cooperative agreement under this subsection shall use the funds made available through the grant, contract, or cooperative agreement to carry out the following activities for covered students:

“(A) PROVIDING SUPPORTED COMPETITIVE INTEGRATED EMPLOYMENT EXPERIENCES.—The development of innovative and effective strategies for attaining competitive integrated employment experiences after school, on weekends, and in the summer, utilizing natural supports that lead to competitive high-paying jobs.

1           “(B) PROVIDING SUPPORT ACTIVITIES FOR  
2           THE SUCCESSFUL TRANSITION OF YOUTH WITH  
3           DISABILITIES.—The development of school-  
4           based preparatory experiences, career prepara-  
5           tion and work-based learning experiences (in-  
6           cluding in-school, after school, and work experi-  
7           ences outside the traditional school setting);  
8           youth development and leadership, connecting  
9           activities, and family involvement and supports  
10          directly linked to the successful attainment of  
11          competitive integrated employment.

12          “(C) PROVIDING TRAINING TO SCHOOL  
13          AND TRANSITION PERSONNEL.—The develop-  
14          ment of appropriate and effective curricula and  
15          the deployment of professionals with expertise  
16          to provide training to school and transition per-  
17          sonnel to enable them to develop the skills need-  
18          ed to train covered students to be successful in  
19          attaining competitive integrated employment in  
20          a range of settings, including office settings.  
21          The training shall include providing instruction  
22          to covered students in computer skills, office  
23          skills, etiquette, and appropriate social behavior  
24          required for successful long-term employment in  
25          professional environments.

1           “(D) PROVIDING ASSISTANCE TO STU-  
2           DENTS AND FAMILIES IN THE APPROPRIATE  
3           NAVIGATION OF VARIOUS SUPPORTS, SERVICES,  
4           BENEFITS, AND PROGRAMS.—The provision of  
5           formal assistance to covered students and their  
6           families in navigating the complex system of  
7           supports and services across the array of rel-  
8           evant Federal and State programs, including  
9           the following:

10           “(i) An informed decision process  
11           leading to an employment outcome and the  
12           securing of funding supports for attaining  
13           the outcome.

14           “(ii) A benefits planning process in  
15           order to educate covered students and their  
16           families regarding strategies for identi-  
17           fying, optimizing, and managing available  
18           benefits and resources.

19           “(iii) Individualized economic ad-  
20           vancement strategies to increase a covered  
21           student’s economic self-sufficiency, with  
22           specific asset goals, including the use of fa-  
23           vorable tax benefits, work incentives,  
24           matched savings plans, and financial edu-  
25           cation.

1           “(7) CONTINGENCY ON RECEIPT OF FUND-  
2           ING.—An eligible entity that receives a grant, con-  
3           tract, or cooperative agreement under this sub-  
4           section shall develop a draft memorandum of under-  
5           standing among State government agencies partici-  
6           pating in the consortium outlining key steps to be  
7           taken to collaborate and coordinate efforts to insti-  
8           tute systemic change (including braided funding  
9           across agencies as a methodology for streamlining  
10          multiple funding streams, sharing of expertise  
11          among agencies, and collaboration among key per-  
12          sonnel) focused on increasing opportunities for com-  
13          petitive integrated employment for covered students.

14          “(8) OUTCOMES AND EVALUATION.—An eligible  
15          entity that receives a grant, contract, or cooperative  
16          agreement under this subsection shall collect data  
17          and report annually on, at a minimum, progress in  
18          achieving specific outcomes outlined by the Commis-  
19          sioner, including—

20                 “(A) the number of covered students who  
21                 directly enter competitive integrated employ-  
22                 ment upon exiting the school system;

23                 “(B) the wages and number of hours  
24                 worked of such covered students per pay period;



1           ~~“(C) the impact of employment on any~~  
 2           ~~Federal and State benefits received;~~

3           ~~“(D) indicators of improved economic sta-~~  
 4           ~~tus and self-sufficiency; and~~

5           ~~“(E) data on those covered students who~~  
 6           ~~have not yet been placed in competitive inte-~~  
 7           ~~grated employment, including the reasons that~~  
 8           ~~the covered students were not placed in com-~~  
 9           ~~petitive integrated employment, as well as the~~  
 10          ~~progress made to date in the acquisition of~~  
 11          ~~skills, training, and development necessary to~~  
 12          ~~attain competitive integrated employment.~~

13          ~~“(d) COMMISSIONER’S SCHOLAR PROGRAM.—~~

14          ~~“(1) IN GENERAL.—The Commissioner shall~~  
 15          ~~annually recognize, in a highly visible manner, eligi-~~  
 16          ~~ble individuals with significant disabilities who are~~  
 17          ~~successfully completing a postgraduate degree in~~  
 18          ~~law, business, science, technology, engineering,~~  
 19          ~~mathematics, or medicine (including completing any~~  
 20          ~~residency program).~~

21          ~~“(2) STUDENT APPLICATIONS TO STATES.—Not~~  
 22          ~~later than May of 2014 and each subsequent year,~~  
 23          ~~each designated State unit shall solicit and consider~~  
 24          ~~the applications of individuals with significant dis-~~  
 25          ~~abilities who are receiving, or eligible to receive, vo-~~

1        educational rehabilitation services under this title and  
2        who have the potential to complete rigorous profes-  
3        sional training in law, medicine, science, technology,  
4        engineering, mathematics, or business. The des-  
5        ignated State unit shall select not more than 2 indi-  
6        viduals, who are otherwise eligible for vocational re-  
7        habilitation services under title I (but without regard  
8        to any order of selection established under section  
9        101(a)(5) in the State), for recognition as a Com-  
10       commissioner's Scholar.

11            “(3) ELIGIBILITY OF STUDENTS.—In order to  
12        be eligible to receive assistance through the program,  
13        an applicant—

14            “(A) shall be receiving, or eligible to re-  
15        ceive, vocational rehabilitation services under  
16        this title pursuant to an individualized plan for  
17        employment that specifies an employment out-  
18        come in competitive integrated employment that  
19        would require graduate studies in the relevant  
20        field;

21            “(B) shall have previously completed a  
22        bachelor's degree program at an institution of  
23        higher education or to be scheduled to complete  
24        the degree not later than the July preceding the

1 first school year for which the applicant pro-  
2 poses to use the assistance; and

3 “(C) shall have applied to, and been ac-  
4 cepted by, a program at an accredited institu-  
5 tion of higher education in the United States  
6 that confers a juris doctor degree, a master’s of  
7 business administration degree, a doctor of  
8 medicine degree, a doctor of osteopathic medi-  
9 cine degree, or a doctoral degree in a field of  
10 science, technology, engineering, or mathe-  
11 matics.

12 “(4) DETERMINATION BY THE COMMS-  
13 SIONER.—Each eligible individual selected to be a  
14 Commissioner’s Scholar shall—

15 “(A) be recognized in a manner deter-  
16 mined by the Commissioner; and

17 “(B) participate in Commissioner’s Scholar  
18 activities, as determined by the Commissioner.

19 “(5) SERVICES AND SUPPORTS.—An individual  
20 selected to be a Commissioner’s Scholar in the State  
21 shall be eligible for the services and supports (in-  
22 cluding tuition) needed in order to successfully com-  
23 plete the individual’s degree program. Such services  
24 and supports (including tuition) shall be paid for

1 from the funds appropriated under title I for the vo-  
 2 cational rehabilitation State grants program.

3 ~~“(6) EFFORTS TO SECURE ASSISTANCE FROM~~  
 4 ~~OTHER SOURCES.—~~The limitations of section  
 5 103(a)(5) that apply to training services shall apply  
 6 to services and supports described in paragraph (5).

7 ~~“(7) RULE OF CONSTRUCTION.—~~Nothing in  
 8 this subsection shall prevent any designated State  
 9 unit from providing educational supports and serv-  
 10 ices, similar to the supports and services described  
 11 in paragraph (5), to eligible individuals with disabil-  
 12 ities within the State who are not served under this  
 13 subsection.

14 ~~“(e) TRAINING AND TECHNICAL ASSISTANCE CEN-~~  
 15 ~~TER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUT-~~  
 16 ~~COMES FOR INDIVIDUALS RECEIVING SERVICES FROM~~  
 17 ~~DESIGNATED STATE AGENCIES AND AIVRS GRANT-~~  
 18 ~~EES.—~~

19 ~~“(1) IN GENERAL.—~~The Commissioner shall  
 20 award a grant, contract, or cooperative agreement to  
 21 an eligible entity to support a training and technical  
 22 assistance program that—

23 ~~“(A) responds to agency specific informa-~~  
 24 ~~tion requests concerning high-quality employ-~~  
 25 ~~ment outcomes, from designated States agen-~~

1           cies and recipients of American Indian voca-  
2           tional rehabilitation service grants funded under  
3           part C of title I (referred to in this subsection  
4           as ‘AIVRS grantees’), including—

5                   “(i) requests for information on the  
6                   expansion of self-employment, business  
7                   ownership, business development opportu-  
8                   nities, and other types of entrepreneurial  
9                   employment opportunities for individuals  
10                  with disabilities;

11                  “(ii) requests for information on the  
12                  expansion and improvement of services to  
13                  facilitate the transition of students with  
14                  disabilities from school to postsecondary  
15                  life, including competitive integrated em-  
16                  ployment;

17                  “(iii) requests for examples of policies,  
18                  practices, procedures, or regulations that  
19                  have enhanced or may enhance access to  
20                  funding for assistive technology devices  
21                  and assistive technology services for indi-  
22                  viduals with disabilities;

23                  “(iv) requests for information on ef-  
24                  fective approaches to enhance informed

choice and a consumer-directed State vocational rehabilitation system;

“(v) requests for assistance developing corrective action plans;

“(vi) requests for assistance in developing and implementing effective data collection and reporting systems that measure the outcomes of the vocational rehabilitation services; and preparing reports for the Commissioner as described in section 106(b)(1); and

“(vii) requests for information on effective approaches that enhance employment outcomes for individuals with disabilities; including conducting outreach and forming partnerships with business and industry; and

“(B) provides agency specific; regional; and national training and technical assistance concerning vocational rehabilitation services and related information to designated State agencies and AIVRS grantees; including—

“(i) facilitating on-site and electronic information sharing using state-of-the-art technologies; such as real-time on-line dis-

1 cussions, multipoint video conferencing,  
2 and web-based audio/video broadcasts, on  
3 emerging topics that affect vocational reha-  
4 bilitation programs authorized under title  
5 I;

6 “(ii) enabling the designated State  
7 agencies and AIVRS grantees to coordi-  
8 nate training and data collection efforts  
9 with one-stop centers established under  
10 section 221(e) of the Workforce Invest-  
11 ment Act of 2013;

12 “(iii) enabling the designated State  
13 agencies and AIVRS grantees to provide  
14 information on how the vocational rehabili-  
15 tation programs authorized under title I  
16 can provide technical assistance to the one-  
17 stop centers on making programs offered  
18 through the centers physically and pro-  
19 grammatically accessible to individuals  
20 with disabilities;

21 “(iv) sharing evidence-based and  
22 promising practices among the vocational  
23 rehabilitation programs;

24 “(v) maintaining an accessible website  
25 that includes links to—

1           ~~“(I) the vocational rehabilitation~~  
2           ~~programs;~~

3           ~~“(II) appropriate Federal depart-~~  
4           ~~ments and agencies, and private asso-~~  
5           ~~ciations;~~

6           ~~“(III) State assistive technology~~  
7           ~~device and assistive technology service~~  
8           ~~demonstration programs, device loan~~  
9           ~~programs, device reutilization pro-~~  
10          ~~grams, alternative financing systems,~~  
11          ~~or State financing activities, operated~~  
12          ~~through, or independently of, com-~~  
13          ~~prehensive statewide programs of~~  
14          ~~technology-related assistance carried~~  
15          ~~out under section 4 of the Assistive~~  
16          ~~Technology Act of 1998 (29 U.S.C.~~  
17          ~~3003), telework programs, and other~~  
18          ~~programs that provide sources of~~  
19          ~~funding for assistive technology de-~~  
20          ~~vices; and~~

21          ~~“(IV) various programs, includ-~~  
22          ~~ing programs with tax credits, avail-~~  
23          ~~able to employers for hiring or accom-~~  
24          ~~modating employees who are individ-~~  
25          ~~uals with disabilities;~~



1           “(vi) enhancing employment outcomes  
2           for individuals with mental illness and indi-  
3           viduals with cognitive disabilities, particu-  
4           larly in competitive integrated employment;

5           “(vii) convening experts from the vo-  
6           cational rehabilitation programs to discuss  
7           and make recommendations with regard to  
8           the employment of individuals with disabil-  
9           ities and national emerging issues of im-  
10          portance to individuals with vocational re-  
11          habilitation needs;

12          “(viii) enabling the designated State  
13          agencies and AIVRS grantees to provide  
14          practical information on effective ap-  
15          proaches for business and industry to use  
16          in employing individuals with disabilities;  
17          including provision of reasonable accom-  
18          modations;

19          “(ix) providing information on other  
20          emerging issues concerning the delivery of  
21          publicly funded employment and training  
22          services and supports to assist individuals  
23          with disabilities to enter the workforce,  
24          achieve improved employment outcomes;

1                   and become economically self-sufficient;  
2                   and

3                   ~~“(x) carrying out such other activities~~  
4                   ~~as the Commissioner may require.~~

5                   “(2) ELIGIBLE ENTITIES.—In this subsection,  
6                   the term ‘eligible entity’ means an entity that has—

7                   ~~“(A) experience and expertise in admin-~~  
8                   ~~istering vocational rehabilitation services;~~

9                   ~~“(B) documented experience with and~~  
10                  ~~knowledge about self-employment, business~~  
11                  ~~ownership, business development, and other~~  
12                  ~~types of entrepreneurial employment opportuni-~~  
13                  ~~ties and outcomes for individuals with disabil-~~  
14                  ~~ities, providing transition services for students~~  
15                  ~~with disabilities, and assistive technology;~~

16                  ~~“(C) the expertise necessary to identify the~~  
17                  ~~additional data elements needed to provide com-~~  
18                  ~~prehensive reporting of activities and outcomes~~  
19                  ~~of the vocational rehabilitation programs au-~~  
20                  ~~thorized under title I, and experience in uti-~~  
21                  ~~lizing data to provide annual reports; and~~

22                  ~~“(D) personnel with the skill and back-~~  
23                  ~~ground necessary to provide guidance or train-~~  
24                  ~~ing to entities carrying out programs authorized~~  
25                  ~~under section 121.~~

1           “(3) COLLABORATION.—In developing and pro-  
2       viding training and technical assistance under this  
3       subsection, a recipient of a grant, contract, or coop-  
4       erative agreement under this subsection shall col-  
5       laborate with other entities or individuals, in par-  
6       ticular—

7           “(A) agencies carrying out vocational reha-  
8       bilitation programs under title I (including the  
9       programs authorized under section 121) and  
10      national organizations representing such pro-  
11      grams;

12          “(B) organizations representing individuals  
13      with disabilities;

14          “(C) organizations representing State offi-  
15      cials and agencies engaged in the delivery of as-  
16      sistive technology;

17          “(D) relevant employees from Federal de-  
18      partments and agencies other than the Depart-  
19      ment of Labor;

20          “(E) representatives of businesses;

21          “(F) individuals with disabilities, including  
22      individuals who use assistive technology and un-  
23      derstand the barriers to the acquisition of such  
24      technology and related services; and

1           “(G) family members, guardians, advo-  
 2           eates, and authorized representatives of such  
 3           individuals.

4           “(4) RULE OF CONSTRUCTION.—The training  
 5           and technical assistance provided under this sub-  
 6           section may be delivered through the technical as-  
 7           sistance and continuing education centers funded  
 8           under this title.”;

9           (4) in subsection (f)(2), as redesignated by  
 10          paragraph (2)—

11           (A) in subparagraph (E), by striking  
 12           “and” after the semicolon;

13           (B) by redesignating subparagraph (F) as  
 14           subparagraph (G); and

15           (C) by inserting after subparagraph (E)  
 16           the following:

17           “(F) to provide support and guidance in  
 18           helping individuals with significant disabilities,  
 19           including students with disabilities, transition  
 20           to competitive integrated employment; and”;  
 21           and

22           (5) by striking subsection (h), as redesignated  
 23           by paragraph (2), and inserting the following:

24           “(h) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—For the purpose of ear-  
 2           rying out this section there are authorized to be ap-  
 3           propriated such sums as may be necessary for each  
 4           of the fiscal years 2014 through 2018.

5           “(2) RESERVATIONS.—Of the sums appro-  
 6           priated under paragraph (1) for a fiscal year, the  
 7           Secretary may reserve not more than \$500,000 to  
 8           carry out subsection (c).”.

9   **SEC. 543. MIGRANT AND SEASONAL FARMWORKERS.**

10          Section 304 (29 U.S.C. 774) is amended—

11               (1) in subsection (a)(1), by striking “of Labor”;  
 12          and

13               (2) in subsection (b), by striking “fiscal years  
 14          1999 through 2003” and inserting “fiscal years  
 15          2014 through 2018”.

16   **SEC. 544. RECREATIONAL PROGRAMS.**

17          Section 305 (29 U.S.C. 776) is amended—

18               (1) in subsection (a)(1)(B), by striking “con-  
 19          struction of facilities for aquatic rehabilitation ther-  
 20          apy,”; and

21               (2) in subsection (b), by striking “fiscal years  
 22          1999 through 2003” and inserting “fiscal years  
 23          2014 through 2018”.

## **Subtitle E—National Council on Disability**

### **SEC. 551. ESTABLISHMENT.**

(a) ~~IN GENERAL.~~—Section 400 (29 U.S.C. 780) is amended—

(1) in subsection (a)(1)(A), by striking “fifteen” and inserting “9”; and

(2) in subsection (d), by striking “Eight” and inserting “Five”.

(b) ~~EFFECTIVE DATE.~~—This section takes effect 3 years after the date of enactment of this Act.

### **SEC. 552. REPORT.**

Section 401 (29 U.S.C. 781) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “National Institute on Disability and Rehabilitation Research” and inserting “National Institute on Disability, Independent Living, and Rehabilitation Research” each place the term appears;

(B) in paragraph (2), by striking “Rehabilitation Services Administration” and inserting “Disability Employment Services and Supports Administration”;

(C) by inserting “the appropriate Assistant Secretary of the Department of Labor,” after

1 “the appropriate Assistant Secretary of the De-  
2 partment of Education,”; and

3 (D) in paragraph (8), by inserting “of  
4 Labor” after “Secretary”; and  
5 (2) by striking subsection (c).

6 **SEC. 553. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 405 (29 U.S.C. 785) is amended by striking  
8 “fiscal years 1999 through 2003” and inserting “fiscal  
9 years 2014 through 2018”.

10 **Subtitle F—Rights and Advocacy**

11 **SEC. 556. INTERAGENCY COMMITTEE, BOARD, AND COUN-**

12 **CIL.**

13 (a) INTERAGENCY COMMITTEE.—Section 501 (29  
14 U.S.C. 791) is amended—

15 (1) by striking subsection (f); and

16 (2) by redesignating subsection (g) as sub-  
17 section (f).

18 (b) ARCHITECTURAL AND TRANSPORTATION BAR-  
19 RRIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C.  
20 792(j)) is amended by striking “1999 through 2003” and  
21 inserting “2014 through 2018”.

22 (c) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B)  
23 (29 U.S.C. 794(b)(2)(B)) is amended by striking “voca-  
24 tional education” and inserting “career and technical edu-  
25 cation”.

1 (d) INTERAGENCY DISABILITY COORDINATING  
 2 COUNCIL.—Section 507(a) (29 U.S.C. 794e(a)) is amend-  
 3 ed by inserting “the Chairperson of the National Council  
 4 on Disability,” before “and such other”.

5 **SEC. 557. PROTECTION AND ADVOCACY OF INDIVIDUAL**  
 6 **RIGHTS.**

7 Section 509 (29 U.S.C. 794e) is amended—

8 (1) in subsection (e)(1)(A), by inserting “a  
 9 grant or contract for” before “training”;

10 (2) in subsection (f)—

11 (A) in paragraph (2),—

12 (i) by striking “general” and all that  
 13 follows through “records” and inserting  
 14 “general authorities (including rights and  
 15 remedies), including the authority to access  
 16 records”; and

17 (ii) by inserting “of title I” after  
 18 “subtitle C”; and

19 (B) in paragraph (3), by striking “author-  
 20 ity” and inserting “authority (including the  
 21 right)”;

22 (3) in subsection (g)(2), by striking “was paid”  
 23 and all that follows and inserting “was paid, except  
 24 that program income generated from the amount  
 25 paid to an eligible system for a fiscal year shall re-



1 main available to such system for the following 2 fis-  
 2 cal years.”;

3 (4) in subsection (l), by striking “1999 through  
 4 2003” and inserting “2014 through 2018”;

5 (5) by redesignating subsections (l) and (m) as  
 6 subsections (m) and (n), respectively; and

7 (6) by inserting after subsection (k) the fol-  
 8 lowing:

9 “(l) **SYSTEM AUTHORITY.**—For purposes of serving  
 10 persons eligible for services under this section, an eligible  
 11 system shall have the same general authorities, including  
 12 access to records, as the system is afforded under subtitle  
 13 C of title I of the Developmental Disabilities Assistance  
 14 and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.),  
 15 as determined by the Commissioner of the Administration  
 16 on Developmental Disabilities.”.

17 **SEC. 558. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
 18 **ITIES AT WAGES BELOW MINIMUM WAGE.**

19 (a) **IN GENERAL.**—Title V (29 U.S.C. 791 et seq.)  
 20 is amended by adding at the end the following:

21 **“SEC. 511. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
 22 **ITIES AT A SUBMINIMUM WAGE.**

23 “(a) **IN GENERAL.**—An entity, including a contractor  
 24 or subcontractor of the entity, may not employ an indi-  
 25 vidual with a disability at a wage (referred to in this sec-

tion as a ‘subminimum wage’) that is less than the Federal minimum wage, unless the entity has complied with the requirements of section 14(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(e)), and any of the following additional conditions is met:

“(1) The individual is currently employed, as of the effective date of this section, by an entity that holds a valid certificate pursuant to section 14(e) of the Fair Labor Standards Act of 1938 (referred to in this section as a ‘certificate holder’).

“(2) The individual is older than age 24 on the date when the individual begins employment at a subminimum wage.

“(3) The individual is age 24 or younger and, before beginning work at a subminimum wage, has completed, and produces documentation indicating completion of, each of the following 3 actions:

“(A) The individual has received pre-employment transition services that are available to the individual under section 114, or transition services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) such as transition services available to the individual under section 614(d) of that Act (20 U.S.C. 1414(d)).

1           “(B) The individual has applied for voca-  
2           tional rehabilitation services under title I, with  
3           the result that—

4                   “(i) the individual has been found in-  
5                   eligible for the services pursuant to that  
6                   title; or

7                   “(ii)(I) the individual has been deter-  
8                   mined to be eligible for vocational rehabili-  
9                   tation services;

10                  “(H) the individual has an individual-  
11                  ized plan for employment under section  
12                  102;

13                  “(III) the individual has been working  
14                  toward an employment outcome specified  
15                  in such individualized plan for employ-  
16                  ment, with appropriate supports and serv-  
17                  ices, for a reasonable period of time with-  
18                  out success; and

19                  “(IV) the individual’s vocational reha-  
20                  bilitation case is closed after the individ-  
21                  ual’s qualified vocational rehabilitation  
22                  counselor and the individual both agree  
23                  that continued efforts by the individual to  
24                  work toward an employment outcome, as

1 defined in section 7, at the present time  
2 will likely not be successful.

3 “(C) The individual (with, in an appro-  
4 priate case, the individual’s parent or guard-  
5 ian)—

6 “(i) has been provided career coun-  
7 seling, and information and referrals to  
8 Federal and State programs and other re-  
9 sources in the individual’s geographic area  
10 that offer employment-related services and  
11 supports designed to enable the individual  
12 to explore, discover, experience, and attain  
13 competitive integrated employment;

14 “(ii) understands the conditions under  
15 which a subminimum wage may be paid;  
16 and

17 “(iii) consents to work for the em-  
18 ployer and be paid a subminimum wage.

19 “(4) The individual, regardless of age, is receiv-  
20 ing work readiness or job training services provided  
21 by a certificate holder, as part of the individual’s  
22 preparation for competitive integrated employment,  
23 for—

24 “(A) a period of not more than 6 months;  
25 or

1           ~~“(B) a longer period, if the individual~~  
 2           ~~wishes to continue to receive such services after~~  
 3           ~~an initial 6-month period and is reassessed by~~  
 4           ~~the agency referring the individual for such~~  
 5           ~~services, or an appropriate entity, not less often~~  
 6           ~~than every 6 months, to determine the individ-~~  
 7           ~~ual’s ability to transition to competitive inte-~~  
 8           ~~grated employment.~~

9           ~~“(b) CONSTRUCTION.—~~

10           ~~“(1) SERVICES.—Nothing in subsection~~  
 11           ~~(a)(3)(B) shall be construed to prohibit a designated~~  
 12           ~~State unit from allowing an individual to receive~~  
 13           ~~work readiness or job training services provided by~~  
 14           ~~a certificate holder, for a period of not more than 6~~  
 15           ~~months.~~

16           ~~“(2) RULE.—Nothing in this section shall be~~  
 17           ~~construed as changing the purpose of this Act de-~~  
 18           ~~scribed in section 2(b)(1), to empower individuals~~  
 19           ~~with disabilities to maximize opportunities for com-~~  
 20           ~~petitive integrated employment.~~

21           ~~“(c) DURING EMPLOYMENT.—~~

22           ~~“(1) IN GENERAL.—The entity described in~~  
 23           ~~subsection (a) may not continue to employ an indi-~~  
 24           ~~vidual at a subminimum wage unless, after the indi-~~  
 25           ~~vidual begins work at that wage, at the intervals de-~~

1       scribed in paragraph (2), the individual (with, in an  
2       appropriate case, the individual's parent or guard-  
3       ian)—

4               “(A) is provided career counseling, and in-  
5       formation and referrals described in subsection  
6       (a)(3)(C)(i), delivered in a manner that facili-  
7       tates independent decisionmaking and informed  
8       choice, as the individual makes decisions re-  
9       garding employment and career advancement;  
10      and

11              “(B) is informed by the employer of self-  
12      advocacy, self-determination, and peer men-  
13      toring training opportunities available in the in-  
14      dividual's geographic area, provided by an enti-  
15      ty that does not have any financial interest in  
16      the individual's employment outcome, under ap-  
17      plicable Federal and State programs or other  
18      sources.

19              “(2) TIMING.—The actions required under sub-  
20      paragraphs (A) and (B) of paragraph (1) shall be  
21      carried out once every 6 months for the first year  
22      of the individual's employment at a subminimum  
23      wage, and annually thereafter for the duration of  
24      such employment.

1           ~~“(3) SMALL BUSINESS EXCEPTION.—~~In the  
 2           event that the entity described in subsection (a) is  
 3           a business with fewer than 15 employees, such entity  
 4           can satisfy the requirements of subparagraphs (A)  
 5           and (B) of paragraph (1) by referring the individual,  
 6           at the intervals described in paragraph (2), to the  
 7           designated State unit for the counseling, informa-  
 8           tion, and referrals described in subparagraph (A)  
 9           and the information described in subparagraph (B).

10          ~~“(d) DOCUMENTATION.—~~

11           ~~“(1) IN GENERAL.—~~The designated State unit,  
 12           in consultation with the State educational agency,  
 13           shall develop a new process or utilize an existing  
 14           process, consistent with guidelines developed by the  
 15           Secretary, to document the completion of the actions  
 16           described in subparagraphs (A), (B), and (C) of sub-  
 17           section (a)(3) by a youth with a disability who is an  
 18           individual with a disability.

19           ~~“(2) DOCUMENTATION PROCESS.—~~Such process  
 20           shall require that—

21                   ~~“(A) in the case of a student with a dis-~~  
 22                   ability, for documentation of actions described  
 23                   in subsection (a)(3)(A)—

24                           ~~“(i) if such a student with a disability~~  
 25                           receives and completes each category de-

1           scribed in clauses (i) through (v) of section  
2           7(30)(B) of available pre-employment tran-  
3           sition services; such completion of services  
4           shall be documented by the designated  
5           State unit in a manner consistent with this  
6           section;

7           “(ii) if such a student with a disability  
8           receives and completes any transition serv-  
9           ices available for students with disabilities  
10          under the Individuals with Disabilities  
11          Education Act, including those provided  
12          under section 614(d)(1)(A)(i)(VIII) (20  
13          U.S.C. 1414(d)(1)(A)(i)(VIII)); such com-  
14          pletion of services shall be documented by  
15          the appropriate school official responsible  
16          for the provision of such transition services  
17          for students with disabilities in the school  
18          or school district, in a manner consistent  
19          with this section; and

20          “(iii) a Local Pre-Employment Tran-  
21          sition Coordinator shall provide the final  
22          documentation, in a form and manner con-  
23          sistent with this section, of the completion  
24          of pre-employment transition services as  
25          described in clause (i), or transition serv-



ices under the Individuals with Disabilities Education Act as described in clause (ii), to the student with a disability within a reasonable period of time following the completion; and

“(B) when an individual has completed the actions described in subsection (a)(3)(C), following the completion of the actions described in subparagraphs (A) and (B) of subsection (a)(3), the designated State unit shall provide the individual a document indicating such completion, in a manner consistent with this section, within a reasonable time period following the completion of the actions described in this subparagraph.

“(e) VERIFICATION.—

“(1) BEFORE EMPLOYMENT.—Before an individual covered by subsection (a)(3) begins work for an employer at a subminimum wage, the employer shall review the documentation received by the individual under subsection (d), and provided by the individual to the employer, that indicates that the individual has completed the actions described in subparagraphs (A), (B), and (C) of subsection (a)(3)

1 and the employer shall maintain copies of the docu-  
 2 mentation.

3 “(2) DURING EMPLOYMENT.—In order to con-  
 4 tinue to employ an individual at a subminimum  
 5 wage, the employer shall verify completion of the re-  
 6 quirements of subsection (e), including reviewing any  
 7 relevant documents provided by the individual, and  
 8 shall maintain copies of the documentation.

9 “(f) FEDERAL MINIMUM WAGE.—In this section, the  
 10 term ‘Federal minimum wage’ means the rate applicable  
 11 under section 6(a)(1) of the Fair Labor Standards Act  
 12 of 1938 (29 U.S.C. 206(a)(1)).”.

13 (b) EFFECTIVE DATE.—This section takes effect 2  
 14 years after the date of enactment of the Workforce Invest-  
 15 ment Act of 2013.

## 16 **Subtitle G—Employment Opportu-** 17 **nities for Individuals With Dis-** 18 **abilities**

### 19 **SEC. 561. PROJECTS WITH INDUSTRY.**

20 Section 611 (29 U.S.C. 795) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by striking “in the competitive”  
 24 and inserting “in competitive integrated  
 25 employment in the”; and

1 (ii) by inserting “locally” after “ca-  
 2 reer advancement”; and

3 ~~(B)~~ in paragraph (2)—

4 (i) in the matter preceding subpara-  
 5 graph (A)—

6 (I) by inserting “local and na-  
 7 tional” after “jointly financed”;

8 (II) by inserting “in competitive  
 9 integrated employment” after “career  
 10 opportunities”; and

11 (III) by striking “Secretary of  
 12 Labor” and inserting “Secretary of  
 13 Education”;

14 (ii) in subparagraph (A)—

15 (I) by striking clause (ii) and in-  
 16 serting the following:

17 “(ii) identify job and career availability  
 18 within the community, consistent with the exist-  
 19 ing and emerging in-demand industry sectors  
 20 and occupations, and the employment needs of  
 21 employers in those industry sectors and occupa-  
 22 tions, identified by the local workforce develop-  
 23 ment board for the corresponding local area  
 24 under section 118(b)(1)(A) of the Workforce  
 25 Investment Act of 2013;”;

1                   (II) in clause (iii), by striking  
2                   “and” after the semicolon;

3                   (III) in clause (iv), by inserting  
4                   “and” after the semicolon; and

5                   (IV) by adding at the end the fol-  
6                   lowing:

7                   “(v) coordinate such training and job  
8                   placement activities with the local workforce de-  
9                   velopment boards described in clause (ii) as ap-  
10                  propriate, and with the Job Corps center indus-  
11                  try councils established under section 254 of  
12                  the Workforce Investment Act of 2013.”; and

13                  (iii) in subparagraph (C)—

14                   (I) in clause (i), by striking  
15                   “and” after the semicolon;

16                   (II) by redesignating clause (ii)  
17                   as clause (iii); and

18                   (III) by inserting after clause (i)  
19                   the following:

20                   “(ii) internship programs for individuals  
21                   with disabilities who seek employment; and”;

22                  (2) in subsection (c)(2), by striking “in States,  
23                  portions of States, Indian tribes, or tribal organiza-  
24                  tions” and inserting “nationally or in States, in por-

1        tions of States, across multiple States, or in Indian  
 2        tribes or tribal organizations”; and

3            ~~(3)~~ by adding at the end the following:

4        “(i) **PROHIBITED USE OF FUNDS.**—Grant funds  
 5        awarded under this section shall not be used to support  
 6        services in sheltered workshops or segregated settings.”.

7        **SEC. 562. AUTHORIZATION OF APPROPRIATIONS.**

8        Section 612 (29 U.S.C. 795a) is amended by striking  
 9        “fiscal years 1999 through 2003” and inserting “fiscal  
 10        years 2014 through 2018”.

11       **SEC. 563. SUPPORTED EMPLOYMENT SERVICES.**

12       Part B of title VI (29 U.S.C. 795g) is amended to  
 13       read as follows:

14       **“PART B—SUPPORTED EMPLOYMENT SERVICES**  
 15       **FOR INDIVIDUALS WITH THE MOST SIGNIFI-**  
 16       **CANT DISABILITIES**

17       **“SEC. 621. PURPOSE.**

18       “It is the purpose of this part to authorize allotments,  
 19       in addition to grants for vocational rehabilitation services  
 20       under title I, to assist States in developing collaborative  
 21       programs with appropriate entities to provide supported  
 22       employment services for individuals with the most signifi-  
 23       cant disabilities, including youth with the most significant  
 24       disabilities, to enable such individuals to achieve an em-

1 ployment outcome of supported employment in competitive  
 2 integrated employment.

3 **~~“SEC. 622. ALLOTMENTS.~~**

4 ~~“(a) IN GENERAL.—~~

5 ~~“(1) STATES.—The Secretary shall allot the~~  
 6 ~~sums appropriated for each fiscal year to carry out~~  
 7 ~~this part among the States on the basis of relative~~  
 8 ~~population of each State, except that—~~

9 ~~“(A) no State shall receive less than~~  
 10 ~~\$250,000, or 1/3 of 1 percent of the sums ap-~~  
 11 ~~propriated for the fiscal year for which the al-~~  
 12 ~~lotment is made, whichever amount is greater;~~  
 13 ~~and~~

14 ~~“(B) if the sums appropriated to carry out~~  
 15 ~~this part for the fiscal year exceed the sums ap-~~  
 16 ~~propriated to carry out this part for fiscal year~~  
 17 ~~1992 by \$1,000,000 or more, no State shall re-~~  
 18 ~~ceive less than \$300,000, or 1/3 of 1 percent of~~  
 19 ~~the sums appropriated for the fiscal year for~~  
 20 ~~which the allotment is made, whichever amount~~  
 21 ~~is greater.~~

22 ~~“(2) CERTAIN TERRITORIES.—~~

23 ~~“(A) IN GENERAL.—For the purposes of~~  
 24 ~~this subsection, Guam, American Samoa, the~~  
 25 ~~United States Virgin Islands, and the Common-~~

1           wealth of the Northern Mariana Islands shall  
2           not be considered to be States.

3           ~~“(B) ALLOTMENT.—Each jurisdiction de-~~  
4           scribed in subparagraph (A) shall be allotted  
5           not less than  $\frac{1}{8}$  of 1 percent of the amounts  
6           appropriated for the fiscal year for which the  
7           allotment is made.

8           ~~“(b) REALLOTMENT.—Whenever the Commissioner~~  
9           determines that any amount of an allotment to a State  
10          for any fiscal year will not be expended by such State for  
11          carrying out the provisions of this part, the Commissioner  
12          shall make such amount available for carrying out the pro-  
13          visions of this part to 1 or more of the States that the  
14          Commissioner determines will be able to use additional  
15          amounts during such year for carrying out such provi-  
16          sions. Any amount made available to a State for any fiscal  
17          year pursuant to the preceding sentence shall, for the pur-  
18          poses of this section, be regarded as an increase in the  
19          allotment of the State (as determined under the preceding  
20          provisions of this section) for such year.

21          ~~“(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A~~  
22          State that receives an allotment under this part shall not  
23          use more than 5 percent of the funds made available  
24          through the allotment to pay for administrative costs.

1       “(d) SERVICES FOR YOUTH WITH THE MOST SIG-  
 2 NIFICANT DISABILITIES.—A State that receives an allot-  
 3 ment under this part shall expend half of the allotment  
 4 for the provision of supported employment services, in-  
 5 cluding extended services, to youth with the most signifi-  
 6 cant disabilities in order to assist those youth to achieve  
 7 an employment outcome in supported employment.

8       “**SEC. 623. AVAILABILITY OF SERVICES.**

9       “(a) SUPPORTED EMPLOYMENT SERVICES.—Funds  
 10 provided under this part may be used to provide supported  
 11 employment services to individuals who are eligible under  
 12 this part.

13       “(b) EXTENDED SERVICES.—

14               “(1) IN GENERAL.—Except as provided in para-  
 15 graph (2), funds provided under this part, or title I,  
 16 may not be used to provide extended services to indi-  
 17 viduals who are eligible under this part or title I.

18               “(2) EXTENDED SERVICES FOR YOUTH WITH  
 19 THE MOST SIGNIFICANT DISABILITIES.—Funds allot-  
 20 ted under this part, or title I, and used for the pro-  
 21 vision of services under this part to youth with the  
 22 most significant disabilities pursuant to section  
 23 622(d), may be used to provide extended services to  
 24 youth with the most significant disabilities. Such ex-



1 tended services shall be available for a period not to  
2 exceed 4 years.

3 **~~“SEC. 624. ELIGIBILITY.~~**

4 ~~“An individual, including a youth with a disability,~~  
5 ~~shall be eligible under this part to receive supported em-~~  
6 ~~ployment services authorized under this part if—~~

7 ~~“(1) the individual is eligible for vocational re-~~  
8 ~~habilitation services under title I;~~

9 ~~“(2) the individual is determined to be an indi-~~  
10 ~~vidual with a most significant disability;~~

11 ~~“(3) for purposes of activities carried out with~~  
12 ~~funds described in section 622(d), the individual is~~  
13 ~~a youth with a disability, as defined in section~~  
14 ~~(7)(42); and~~

15 ~~“(4) a comprehensive assessment of rehabilita-~~  
16 ~~tion needs of the individual described in section~~  
17 ~~7(2)(B), including an evaluation of rehabilitation,~~  
18 ~~career, and job needs; identifies supported employ-~~  
19 ~~ment as the appropriate employment outcome for~~  
20 ~~the individual.~~

21 **~~“SEC. 625. STATE PLAN.~~**

22 ~~“(a) STATE PLAN SUPPLEMENTS.—To be eligible for~~  
23 ~~an allotment under this part, a State shall submit to the~~  
24 ~~Commissioner, as part of the State plan under section~~  
25 ~~101, a State plan supplement for providing supported em-~~

1 ployment services authorized under this Act to individuals;  
2 including youth with the most significant disabilities, who  
3 are eligible under this Act to receive the services. Each  
4 State shall make such annual revisions in the plan supple-  
5 ment as may be necessary.

6 “(b) CONTENTS.—Each such plan supplement  
7 shall—

8 “(1) designate each designated State agency as  
9 the agency to administer the program assisted under  
10 this part;

11 “(2) summarize the results of the comprehen-  
12 sive, statewide assessment conducted under section  
13 101(a)(15)(A)(i), with respect to the rehabilitation  
14 needs of individuals, including youth, with signifi-  
15 cant disabilities and the need for supported employ-  
16 ment services, including needs related to coordina-  
17 tion;

18 “(3) describe the quality, scope, and extent of  
19 supported employment services authorized under this  
20 Act to be provided to individuals, including youth  
21 with the most significant disabilities, who are eligible  
22 under this Act to receive the services and specify the  
23 goals and plans of the State with respect to the dis-  
24 tribution of funds received under section 622;

1           “(4) demonstrate evidence of the efforts of the  
2           designated State agency to identify and make ar-  
3           rangements (including entering into cooperative  
4           agreements) with other State agencies and other ap-  
5           propriate entities to assist in the provision of sup-  
6           ported employment services;

7           “(5) demonstrate evidence of the efforts of the  
8           designated State agency to identify and make ar-  
9           rangements (including entering into cooperative  
10          agreements) with other public or nonprofit agencies  
11          or organizations within the State; employers, natural  
12          supports; and other entities with respect to the pro-  
13          vision of extended services;

14          “(6) describe the activities to be conducted pur-  
15          suant to section 622(d) for youth with the most sig-  
16          nificant disabilities, including—

17                 “(A) the provision of extended services for  
18                 a period not to exceed 4 years; and

19                 “(B) how the State will use the funds spec-  
20                 ified in section 622(d) to leverage other public  
21                 and private funds to increase resources for ex-  
22                 tended services and expand supported employ-  
23                 ment opportunities for youth with the most sig-  
24                 nificant disabilities;

25          “(7) provide assurances that—

1           “(A) funds made available under this part  
2 will only be used to provide supported employ-  
3 ment services authorized under this Act to indi-  
4 viduals who are eligible under this part to re-  
5 ceive the services;

6           “(B) the comprehensive assessments of in-  
7 dividuals with significant disabilities, including  
8 youth with the most significant disabilities, con-  
9 ducted under section 102(b)(1) and funded  
10 under title I will include consideration of sup-  
11 ported employment as an appropriate employ-  
12 ment outcome;

13           “(C) an individualized plan for employ-  
14 ment, as required by section 102, will be devel-  
15 oped and updated using funds under title I in  
16 order to—

17           “(i) specify the supported employment  
18 services to be provided, including, as ap-  
19 propriate, for youth with the most signifi-  
20 cant disabilities, transition services, and  
21 pre-employment transition services pro-  
22 vided in accordance with sections  
23 101(a)(25) and 114;

24           “(ii) specify the expected extended  
25 services needed, including the extended

1 services that may be provided to youth  
2 with the most significant disabilities under  
3 this part, in accordance with an approved  
4 individualized plan for employment, for a  
5 period not to exceed 4 years; and

6 “(iii) identify, as appropriate, the  
7 source of extended services, which may in-  
8 clude natural supports, or that it is not  
9 possible to identify the source of extended  
10 services at the time the individualized plan  
11 for employment is developed;

12 “(D) the State will use funds provided  
13 under this part only to supplement, and not  
14 supplant, the funds provided under title I, in  
15 providing supported employment services speci-  
16 fied in the individualized plan for employment;

17 “(E) services provided under an individual-  
18 ized plan for employment will be coordinated  
19 with services provided under other individual-  
20 ized plans established under other Federal or  
21 State programs;

22 “(F) to the extent jobs skills training is  
23 provided, the training will be provided onsite;

24 “(G) supported employment services will  
25 include placement in an integrated setting

1 based on the unique strengths, resources, prior-  
 2 ities, concerns, abilities, capabilities, interests,  
 3 and informed choice of individuals with the  
 4 most significant disabilities;

5 “(H) the State agencies designated under  
 6 paragraph (1) will expend not more than 5 per-  
 7 cent of the allotment of the State under this  
 8 part for administrative costs of carrying out  
 9 this part; and

10 “(I) with respect to supported employment  
 11 services provided to youth with the most signifi-  
 12 cant disabilities pursuant to section 622(d), the  
 13 designated State agency will provide, directly or  
 14 indirectly through public or private entities,  
 15 non-Federal contributions towards the grant  
 16 award in an amount that is not less than 10  
 17 percent of the costs of carrying out such serv-  
 18 ices; and

19 “(8) contain such other information and be sub-  
 20 mitted in such manner as the Commissioner may re-  
 21 quire.

22 **“SEC. 626. RESTRICTION.**

23 “Each State agency designated under section  
 24 625(b)(1) shall collect the information required by section  
 25 101(a)(10) separately for—

1           “(1) eligible individuals receiving supported em-  
2           ployment services under this part;

3           “(2) eligible individuals receiving supported em-  
4           ployment services under title I;

5           “(3) eligible youth receiving supported employ-  
6           ment services under this part; and

7           “(4) eligible youth receiving supported employ-  
8           ment services under title I.

9   **“SEC. 627. SAVINGS PROVISION.**

10       “(a) SUPPORTED EMPLOYMENT SERVICES.—Noth-  
11 ing in this Act shall be construed to prohibit a State from  
12 providing supported employment services in accordance  
13 with the State plan submitted under section 101 by using  
14 funds made available through a State allotment under sec-  
15 tion 110.

16       “(b) POSTEMPLOYMENT SERVICES.—Nothing in this  
17 part shall be construed to prohibit a State from providing  
18 discrete postemployment services in accordance with the  
19 State plan submitted under section 101 by using funds  
20 made available through a State allotment under section  
21 110 to an individual who is eligible under this part.

22   **“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

23       “There is authorized to be appropriated to carry out  
24 this part, including for technical assistance, such sums as

1 may be necessary for each of the fiscal years 2014 through  
 2 2018.”.

3 **Subtitle H—Independent Living**  
 4 **Services and Centers for Inde-**  
 5 **pendent Living**

6 **CHAPTER 1—GENERAL PROVISIONS**

7 **SEC. 571. PURPOSE.**

8 Section 701 (29 U.S.C. 796) is amended, in para-  
 9 graph (3), by inserting before the period the following: “,  
 10 with the goal of improving the independence of and equal  
 11 opportunity for individuals with disabilities”.

12 **SEC. 572. INDEPENDENT LIVING ADMINISTRATION.**

13 Title VII (29 U.S.C. 796 et seq.) is amended by in-  
 14 serting after section 701 the following:

15 **“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.**

16 **“(a) ESTABLISHMENT.—**In order to promote the phi-  
 17 losophy and purpose of section 701, there is established  
 18 within the Administration for Community Living of the  
 19 Department of Health and Human Services, an Inde-  
 20 pendent Living Administration.

21 **“(b) DIRECTOR.—**

22 **“(1) APPOINTMENT.—**The Independent Living  
 23 Administration shall be headed by a Director (re-  
 24 ferred to in this title as the ‘ILA Director’) ap-



1 pointed by the Secretary of Health and Human  
2 Services.

3 “(2) QUALIFICATIONS.—The HLA Director shall  
4 have substantial knowledge of independent living  
5 services.

6 “(3) AUTHORITIES.—The Independent Living  
7 Administration shall be the principal agency, and  
8 the HLA Director shall be the principal officer, to  
9 carry out this title. In performing the functions of  
10 the office, the HLA Director shall be directly respon-  
11 sible to the Administrator for the Administration for  
12 Community Living of the Department of Health and  
13 Human Services.

14 “(e) GENERAL COUNSEL.—The Office of the General  
15 Counsel of the Department of Health and Human Services  
16 shall designate 1 or more individuals, with substantial  
17 background and experience in, and knowledge of, inde-  
18 pendent living services, centers for independent living, and  
19 Statewide Independent Living Councils, under this title,  
20 to provide advice, support, and technical assistance to the  
21 HLA Director.

22 “(d) INPUT.—The HLA Director shall have the au-  
23 thority to seek such input and advice, including convening  
24 meetings, as the HLA Director determines to be appro-

1 priate with respect to the policies and conduct of the Inde-  
 2 pendent Living Administration.

3 ~~“(e) STAFF.—The Secretary shall ensure that—~~

4 ~~“(1) the Independent Living Administration has~~  
 5 ~~sufficient staff to provide oversight of, conduct au-~~  
 6 ~~ditng of, and provide technical assistance to, the~~  
 7 ~~centers for independent living and Statewide Inde-~~  
 8 ~~pendent Living Councils funded under this Act; and~~

9 ~~“(2) such staff includes qualified individuals~~  
 10 ~~who have significant experience with centers for~~  
 11 ~~independent living or Statewide Independent Living~~  
 12 ~~Councils described in section 705.”.~~

13 **SEC. 573. DEFINITIONS.**

14 Section 702 (29 U.S.C. 796a) is amended—

15 (1) in paragraph (1)—

16 (A) in the matter before subparagraph (A),  
 17 by inserting “for individuals with significant  
 18 disabilities (regardless of age or income)” be-  
 19 fore “that—”;

20 (B) in subparagraph (A), by striking  
 21 “and” at the end;

22 (C) in subparagraph (B), by striking the  
 23 period and inserting “, including, at a min-  
 24 imum, independent living core services as de-  
 25 fined in section 7(17); and”; and

1                   ~~(D)~~ by adding at the end the following:

2                   ~~“(C) has sufficient staff to provide the~~  
 3                   ~~services described in subparagraph (B).”;~~ and

4                   ~~(2) in paragraph (2), by striking the period and~~  
 5                   ~~inserting the following: “, both in terms of—~~

6                   ~~“(A) the management, staffing, decision-~~  
 7                   ~~making, and operation of the center; and~~

8                   ~~“(B) the center’s establishment of policies,~~  
 9                   ~~direction, and provision of services.”.~~

10 **SEC. 574. STATE PLAN.**

11           Section 704 (29 U.S.C. 796e) is amended—

12                   ~~(1) in subsection (a)—~~

13                   ~~(A) in paragraph (1)—~~

14                   ~~(i) by inserting after “State plan” the~~  
 15                   ~~following: “developed and signed in accord-~~  
 16                   ~~ance with paragraph (2),”;~~ and

17                   ~~(ii) by striking “Commissioner” each~~  
 18                   ~~place it appears and inserting “ILA Direc-~~  
 19                   ~~tor”;~~

20                   ~~(B) in paragraph (2)—~~

21                   ~~(i) in the matter preceding subpara-~~  
 22                   ~~graph (A), by striking “developed and~~  
 23                   ~~signed by”;~~ and

24                   ~~(ii) by striking subparagraphs (A) and~~  
 25                   ~~(B) and inserting the following:~~

1           “(A) developed by the chairperson of the  
 2           Statewide Independent Living Council; and the  
 3           directors of the centers for independent living  
 4           in the State; after receiving public input from  
 5           individuals with disabilities and other stake-  
 6           holders throughout the State; and

7           “(B) signed by—

8           “(i) the chairperson of the Statewide  
 9           Independent Living Council; acting on be-  
 10          half of and at the direction of the Council;

11          “(ii) the director of the designated  
 12          State entity described in subsection (c);  
 13          and

14          “(iii) not less than 51 percent of the  
 15          directors of the centers for independent liv-  
 16          ing in the State.”;

17          (C) in paragraph (3)—

18           (i) in subparagraph (A), by striking  
 19           “State independent living services” and in-  
 20           serting “independent living services in the  
 21           State”;

22           (ii) in subparagraph (B), by striking  
 23           “and” at the end; and

24           (iii) by striking subparagraph (C) and  
 25           inserting the following:

1           ~~“(C) working relationships and collabora-~~  
 2           ~~tion between—~~

3           ~~“(i) centers for independent living;~~  
 4           ~~and~~

5           ~~“(ii)(I) entities carrying out programs~~  
 6           ~~that provide independent living services, in-~~  
 7           ~~cluding those serving older individuals;~~

8           ~~“(II) other community-based organi-~~  
 9           ~~zations that provide or coordinate the pro-~~  
 10          ~~vision of housing, transportation, employ-~~  
 11          ~~ment, information and referral assistance;~~  
 12          ~~services, and supports for individuals with~~  
 13          ~~significant disabilities; and~~

14          ~~“(III) entities carrying out other pro-~~  
 15          ~~grams providing services for individuals~~  
 16          ~~with disabilities; and~~

17          ~~“(D) cooperative agreements and partner-~~  
 18          ~~ships to provide a seamless model for provision~~  
 19          ~~of services to individuals with disabilities and to~~  
 20          ~~avoid duplication of services.”;~~

21          ~~(D) in paragraph (4), by striking “Com-~~  
 22          ~~missioner” each place it appears and inserting~~  
 23          ~~“ILA Director”; and~~

24          ~~(E) by adding at the end the following:~~

1           “(5) STATEWIDENESS.—The State plan shall  
 2       provide for the provision of independent living serv-  
 3       ices on a statewide basis, to the greatest extent pos-  
 4       sible, including through the establishment of addi-  
 5       tional centers for independent living, expanded  
 6       catchment areas, or focused outreach to serve under-  
 7       served populations.”;

8           (2) in subsection (b), by striking the period and  
 9       inserting the following: “; as well as a plan for fund-  
 10      ing the administrative costs of the Council.”;

11          (3) in subsection (c)—

12               (A) in the subsection heading, by striking  
 13       “UNIT” and inserting “ENTITY”;

14               (B) in the matter preceding paragraph (1),  
 15       by striking “the designated State unit of such  
 16       State” and inserting “a State entity of such  
 17       State (referred to in this title as the ‘designated  
 18       State entity’)”;

19               (C) in paragraphs (3) and (4), by striking  
 20       “Commissioner” each place it appears and in-  
 21       serting “HLA Director”;

22               (D) in paragraph (3), by striking “and” at  
 23       the end;

24               (E) in paragraph (4), by striking the pe-  
 25       riod and inserting “; and”; and

1                   (F) by adding at the end the following:

2                   “~~(5)~~ retain not more than 15 percent of the  
3 funds received by the State for any fiscal year under  
4 part B, for the performance of the services outlined  
5 in paragraphs (1) through (4).”;

6                   (4) in subsection (i), by striking paragraphs (1)  
7 and (2) and inserting the following:

8                   “(1) the Statewide Independent Living Council;

9                   “~~(2)~~ centers for independent living;

10                  “~~(3)~~ the designated State entity; and

11                  “~~(4)~~ other State agencies or entities rep-  
12 resented on the Council, other councils that address  
13 the needs and issues of specific disability popu-  
14 lations, and other public and private entities deter-  
15 mined to be appropriate by the Council.”;

16                  (5) in subsection (m)—

17                   (A) in paragraph (4), by striking “Com-  
18 missioner” each place it appears and inserting  
19 “ILA Director”; and

20                   (B) in paragraph (5), by striking “Com-  
21 missioner” each place it appears and inserting  
22 “ILA Director”; and

23                  (6) by adding at the end the following:

24                  “~~(o)~~ PROMOTING FULL ACCESS TO COMMUNITY  
25 LIFE.—

1           “(1) IN GENERAL.—The plan shall describe  
 2           how the State will provide independent living serv-  
 3           ices that promote full access to community life for  
 4           individuals with significant disabilities.

5           “(2) SERVICES.—The services shall include—

6                   “(A) facilitating transitions of individuals  
 7                   with significant disabilities from nursing homes  
 8                   and other institutions, to home and community-  
 9                   based residences, with the requisite supports  
 10                  and services;

11                  “(B) providing assistance to individuals  
 12                  with significant disabilities that are at risk of  
 13                  entering institutions so that the individuals may  
 14                  remain in the community; and

15                  “(C) facilitating transitions of youth (in-  
 16                  cluding students) who are individuals with sig-  
 17                  nificant disabilities, who were eligible for indi-  
 18                  vidualized education programs under section  
 19                  614(d) of the Individuals with Disabilities Edu-  
 20                  cation Act (20 U.S.C. 1414(d)), and who have  
 21                  completed their secondary education or other-  
 22                  wise left school, to postsecondary life, including  
 23                  employment.”.

24   **SEC. 575. STATEWIDE INDEPENDENT LIVING COUNCIL.**

25           Section 705 (29 U.S.C. 796d) is amended—



1           (1) in subsection (b)—

2                   (A) by striking paragraph (2) and insert-  
3           ing the following:

4           “~~(2)~~ COMPOSITION.—The Council shall in-  
5           clude—

6                   “(A) among its voting members, at least 1  
7           director of a center for independent living cho-  
8           sen by the directors of centers for independent  
9           living within the State;

10                  “(B) among its voting members, for a  
11           State in which 1 or more centers for inde-  
12           pendent living are run by, or in conjunction  
13           with, the governing bodies of American Indian  
14           tribes located on Federal or State reservations,  
15           at least 1 representative of the directors of the  
16           centers; and

17                  “(C) as ex officio, nonvoting members, a  
18           representative of the designated State entity,  
19           and representatives from State agencies that  
20           provide services for individuals with disabili-  
21           ties.”;

22                  (B) in paragraph (3)—

23                   (i) by redesignating subparagraphs  
24           (C) through (F) as subparagraphs (D)  
25           through (G), respectively;

1                   (ii) in subparagraph (B), by striking  
2                   “parents and guardians of”; and

3                   (iii) by inserting after paragraph (B)  
4                   the following:

5                   “(C) parents and guardians of individuals  
6                   with disabilities;”;

7                   (C) in paragraph (5)(B), by striking  
8                   “paragraph (3)” and inserting “paragraph  
9                   (1)”; and

10                  (D) in paragraph (6), by striking subpara-  
11                  graph (B) and inserting the following:

12                  “(B) NUMBER OF TERMS.—No member of  
13                  the Council, other than a representative de-  
14                  scribed in paragraph (2)(A) if there is only one  
15                  center for independent living within the State,  
16                  may serve more than 2 consecutive full terms.”;

17                  (2) by striking subsection (c) and inserting the  
18                  following:

19                  “(c) FUNCTIONS.—

20                  “(1) DUTIES.—The Council shall—

21                  “(A) in conjunction with the directors of  
22                  the centers for independent living in the State,  
23                  jointly develop the State plan as provided in  
24                  section 704(a)(2), and sign the State plan;

1           ~~“(B) monitor, review, and evaluate the im-~~  
2           ~~plementation of the State plan;~~

3           ~~“(C) have at least 4 regularly scheduled~~  
4           ~~meetings per year, and ensure that such meet-~~  
5           ~~ings of the Council are open to the public and~~  
6           ~~sufficient advance notice of such meetings is~~  
7           ~~provided;~~

8           ~~“(D) submit to the IIA Director such~~  
9           ~~periodic reports as the IIA Director may rea-~~  
10          ~~sonably request, and keep such records, and af-~~  
11          ~~ford such access to such records, as the IIA~~  
12          ~~Director finds necessary to verify the informa-~~  
13          ~~tion in such reports; and~~

14          ~~“(E) as appropriate, coordinate activities~~  
15          ~~with other entities in the State that provide~~  
16          ~~services similar to or complementary to inde-~~  
17          ~~pendent living services, such as entities that fa-~~  
18          ~~cilitate the provision of or provide long-term~~  
19          ~~community-based services and supports.~~

20          ~~“(2) AUTHORITIES.—The Council may, con-~~  
21          ~~sistent with the State plan described in section 704,~~  
22          ~~unless prohibited by State law—~~

23                 ~~“(A) facilitate the improvement and co-~~  
24                 ~~ordination of services provided to individuals~~  
25                 ~~with disabilities by centers for independent liv-~~

ing, government agencies, and community organizations;

~~“(B) conduct resource development activities to obtain funding from public and private resources to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and~~

~~“(C) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.~~

~~“(3) LIMITATION.—The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.”;~~

~~(3) in subsection (c)—~~

~~(A) in paragraph (1), in the first sentence, by striking “prepare” and all that follows through “a plan” and inserting “prepare, in conjunction with the designated State entity (as necessary), a plan”; and~~

~~(B) in paragraph (3), by striking “State agency” and inserting “State entity”; and~~

1 (4) in subsection (f)—

2 (A) by striking “such resources” and in-  
3 serting “available resources”; and

4 (B) by striking “(including” and all that  
5 follows through “compensation” and inserting  
6 “(such as personal assistance services), and to  
7 pay reasonable compensation”.

8 **SEC. 575A. RESPONSIBILITIES OF THE ILA DIRECTOR.**

9 Section 706 (29 U.S.C. 796d-1) is amended—

10 (1) by striking the title of the section and in-  
11 serting the following:

12 **“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

13 (2) in subsection (a)—

14 (A) in paragraph (1), by striking “Com-  
15 missioner” each place it appears and inserting  
16 “ILA Director”; and

17 (B) in paragraph (2)—

18 (i) in subparagraph (A), by striking  
19 “Commissioner” each place it appears and  
20 inserting “ILA Director”; and

21 (ii) in subparagraph (B)—

22 (I) in clause (i)—

23 (aa) by striking “Secretary”  
24 and inserting “Secretary or the  
25 Commissioner”; and

1                   (bb) by striking “to the  
2                   Commissioner; and” and insert-  
3                   ing “to the ILA Director;”;

4                   (II) by redesignating clause (ii)  
5                   as clause (iii); and

6                   (III) by inserting after clause (i)  
7                   the following:

8                   “(ii) to the State agency shall be  
9                   deemed to be references to the designated  
10                  State entity; and”;

11               (3) by striking subsection (b) and inserting the  
12               following:

13               “(b) INDICATORS.—Not later than 1 year after the  
14               date of enactment of the Workforce Investment Act of  
15               2013, the ILA Director shall develop and publish in the  
16               Federal Register indicators of minimum compliance for  
17               centers for independent living (consistent with the stand-  
18               ards set forth in section 725); and indicators of minimum  
19               compliance for Statewide Independent Living Councils.”;

20               (4) in subsection (c)—

21                   (A) in paragraph (1)—

22                   (i) by striking “Commissioner” each  
23                   place it appears and inserting “ILA Direc-  
24                   tor”; and

25                   (ii) by striking the last sentence; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “Commissioner” and inserting “ILA Director”;

(ii) in subparagraph (A), by striking “such a review” and inserting “a review described in paragraph (1)”; and

(iii) in subparagraphs (A) and (B), by striking “Department” each place it appears and inserting “Independent Living Administration”; and

(5) by striking subsection (d).

## **CHAPTER 2—INDEPENDENT LIVING SERVICES**

### **SEC. 576. ADMINISTRATION.**

(a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking “Except” and inserting “After the reservation required by section 711A is made, and except”; and

(ii) by inserting “the remainder of the” before “sums appropriated”; and

1           (B) in paragraph (2)(B), by striking  
 2           “amounts made available for purposes of this  
 3           part” and inserting “remainder described in  
 4           paragraph (1)(A)”;

5           (2) in subsections (a), (b), and (c), by striking  
 6           “Commissioner” each place it appears and inserting  
 7           “HLA Director”; and

8           (3) by adding at the end the following:

9           “(d) ADMINISTRATION.—Funds allotted or made  
 10          available to a State under this section shall be adminis-  
 11          tered by the designated State entity, in accordance with  
 12          the approved State plan.”.

13          (b) TRAINING AND TECHNICAL ASSISTANCE.—Part  
 14          B of title VII is amended by inserting after section 711  
 15          (29 U.S.C. 796e) the following:

16       **“SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.**

17           “(a) IN GENERAL.—From the funds appropriated to  
 18          carry out this part for any fiscal year, beginning with fis-  
 19          cal year 2014, the HLA Director shall first reserve not less  
 20          than 1.8 percent and not more than 2 percent of the funds  
 21          to provide training and technical assistance to Statewide  
 22          Independent Living Councils for such fiscal year.

23           “(b) ALLOCATION.—From the funds reserved under  
 24          subsection (a), the HLA Director shall make grants to, and  
 25          enter into contracts and other arrangements with, entities



1 that have experience in the operation of Statewide Inde-  
 2 pendent Living Councils to provide such training and tech-  
 3 nical assistance with respect to developing, conducting, ad-  
 4 ministering, and evaluating Statewide Independent Living  
 5 Councils.

6       “(e) FUNDING PRIORITIES.—The HLA Director shall  
 7 conduct a survey of Statewide Independent Living Coun-  
 8 cils regarding training and technical assistance needs in  
 9 order to determine funding priorities for such grants, con-  
 10 tracts, or other arrangements.

11       “(d) REVIEW.—To be eligible to receive a grant or  
 12 enter into a contract or other arrangement under this sec-  
 13 tion, such an entity shall submit an application to the HLA  
 14 Director at such time, in such manner, and containing a  
 15 proposal to provide such training and technical assistance,  
 16 and containing such additional information as the HLA Di-  
 17 rector may require. The HLA Director shall provide for  
 18 peer review of grant applications by panels that include  
 19 persons who are not government employees and who have  
 20 experience in the operation of Statewide Independent Liv-  
 21 ing Councils.”.

22       “(e) PAYMENTS.—Section 712(a) (29 U.S.C. 796c-  
 23 1(a)) is amended by striking “Commissioner” and insert-  
 24 ing “HLA Director”.

1       (d) AUTHORIZED USES OF FUNDS.—Section 713 (29  
2 U.S.C. 796e-2) is amended—

3           (1) by striking the matter preceding paragraph  
4       (1) and inserting the following:

5       “(a) IN GENERAL.—The State may use funds re-  
6 ceived under this part to provide the resources described  
7 in section 705(e) (but may not use more than 30 percent  
8 of the funds paid to the State under section 712 for such  
9 resources unless the State specifies that a greater percent-  
10 age of the funds is needed for such resources in a State  
11 plan approved under section 706); relating to the State-  
12 wide Independent Living Council, may retain funds under  
13 section 704(c)(5), and shall distribute the remainder of  
14 the funds received under this part in a manner consistent  
15 with the approved State plan for the activities described  
16 in subsection (b).

17       “(b) ACTIVITIES.—The State may use the remainder  
18 of the funds described in subsection (a)—”; and

19           (2) in paragraph (1), by inserting “, particu-  
20 larly those in unserved areas of the State” after  
21       “disabilities”.

22       (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 714 (29 U.S.C. 796e-3) is amended by striking “1999  
24 through 2003” and inserting “2014 through 2018”.

**CHAPTER 3—CENTERS FOR  
INDEPENDENT LIVING**

**SEC. 581. PROGRAM AUTHORIZATION.**

Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (a)—

(A) by striking “1999” and inserting  
“2014”;

(B) by striking “Commissioner shall allot”  
and inserting “ILA Director shall make avail-  
able”; and

(C) by inserting “; centers for independent  
living,” after “States”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “For” and all that fol-  
lows through “Commissioner” and insert-  
ing “From the funds appropriated to carry  
out this part for any fiscal year, beginning  
with fiscal year 2014, the ILA Director”;

(ii) by striking “reserve from such ex-  
cess” and inserting “reserve not less than  
1.8 percent and not more than 2 percent  
of the funds”; and

(iii) by striking “eligible agencies”  
and all that follows and inserting “centers

1 for independent living and eligible agencies  
 2 for such fiscal year.”;

3 (B) in paragraph (2)—

4 (i) by striking “Commissioner” and  
 5 inserting “ILA Director”; and

6 (ii) by inserting “fiscal management  
 7 of,” before “planning.”;

8 (C) in paragraphs (3), (4), and (5), by  
 9 striking “Commissioner” each place it appears  
 10 and inserting “ILA Director”; and

11 (D) in paragraph (3), by striking “State-  
 12 wide Independent Living Councils and”;

13 (3) in subsection (c), by striking “Commis-  
 14 sioner” each place it appears and inserting “ILA Di-  
 15 rector”;

16 (4) in subsection (d), by striking “Commis-  
 17 sioner” each place it appears and inserting “ILA Di-  
 18 rector”; and

19 (5) by adding at the end the following:

20 “(e) CARRYOVER AUTHORITY.—Notwithstanding any  
 21 other provision of law—

22 “(1) any funds appropriated for a fiscal year to  
 23 carry out a grant program under section 722 or  
 24 723, that are not obligated and expended by the re-  
 25 cipients prior to the beginning of the succeeding fis-

1        eal year shall remain available for obligation and ex-  
 2        penditure by such recipients during that succeeding  
 3        fiscal year and the subsequent fiscal year; and

4            “(2) any amounts of program income received  
 5        by recipients under a grant program under section  
 6        722 or 723 in a fiscal year, that are not obligated  
 7        and expended by the recipients prior to the begin-  
 8        ning of the succeeding fiscal year, shall remain avail-  
 9        able for obligation and expenditure by such recipi-  
 10        ents during that succeeding fiscal year and the sub-  
 11        sequent fiscal year.”.

12 **SEC. 582. CENTERS.**

13        (a) CENTERS IN STATES IN WHICH FEDERAL FUND-  
 14        ING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C.  
 15        796f-1) is amended—

16            (1) in subsections (a), (b), and (c), by striking  
 17        “Commissioner” each place it appears and inserting  
 18        “HHA Director”;

19            (2) in subsection (c)—

20                    (A) by striking “grants” and inserting  
 21        “grants for a fiscal year”; and

22                    (B) by striking “by September 30, 1997”  
 23        and inserting “for the preceding fiscal year”;

24            (3) in subsection (d)—

25                    (A) in paragraph (1)—

1 (i) by striking “Commissioner” and  
 2 inserting “ILA Director”; and

3 (ii) by striking “region, consistent”  
 4 and all that follows and inserting “region.  
 5 The ILA Director’s determination of the  
 6 most qualified applicant shall be consistent  
 7 with the provisions in the State plan set-  
 8 ting forth the design of the State for es-  
 9 tablishing a statewide network of centers  
 10 for independent living.”; and

11 (B) in paragraph (2)—

12 (i) in the matter preceding subpara-  
 13 graph (A), by striking “Commissioner”  
 14 and inserting “ILA Director”; and

15 (ii) by striking subparagraph (A) and  
 16 inserting the following:

17 “(A) shall consider comments regarding  
 18 the application—

19 “(i) by individuals with disabilities  
 20 and other interested parties within the new  
 21 region proposed to be served; and

22 “(ii) if any, by the Statewide Inde-  
 23 pendent Living Council in the State in  
 24 which the applicant is located.”; and

1 (iii) in subparagraph (C), by inserting  
 2 “, and consistent with the other objectives  
 3 of this title” before the period; and

4 (4) in subsections (e) and (g) by striking “Com-  
 5 missioner” each place it appears and inserting “HLA  
 6 Director”.

7 (b) CENTERS IN STATES IN WHICH STATE FUNDING  
 8 EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C.  
 9 796f-2) is amended—

10 (1) in subsections (a), (b), (g), (h), and (i), by  
 11 striking “Commissioner” each place it appears and  
 12 inserting “HLA Director”;

13 (2) in subsection (a), in the header of para-  
 14 graph (3), by striking “COMMISSIONER” and insert-  
 15 ing “HLA DIRECTOR”; and

16 (3) in subsection (c)—

17 (A) by striking “grants” and inserting  
 18 “grants for a fiscal year”; and

19 (B) by striking “by September 30, 1997”  
 20 and inserting “for the preceding fiscal year”.

21 (c) CENTERS OPERATED BY STATE AGENCIES.—Sec-  
 22 tion 724 (29 U.S.C. 796f-3) is amended—

23 (1) in the matter preceding paragraph (1)—

24 (A) by striking “1993” and inserting  
 25 “2013”;

1           (B) by striking “Rehabilitation Act  
2           Amendments of 1998” and inserting “Work-  
3           force Investment Act of 2013”; and

4           (C) by striking “1994” and inserting  
5           “2014”; and

6           (2) by striking “Commissioner” each place it  
7           appears and inserting “ILA Director”.

8   **SEC. 583. STANDARDS AND ASSURANCES.**

9           Section 725 (29 U.S.C. 796f-4) is amended—

10          (1) in subsection (b)—

11               (A) in paragraph (1)(D), by striking “to  
12               society” and inserting “, both within the com-  
13               munity and throughout the United States,”  
14               and

15               (B) in paragraph (5), by inserting “(as de-  
16               fined in section 7(17))” after “core services,”  
17               and

18               (2) in subsection (c), by striking “Commis-  
19               sioner” each place it appears and inserting “ILA Di-  
20               rector”.

21   **SEC. 584. AUTHORIZATION OF APPROPRIATIONS.**

22           Section 727 (29 U.S.C. 796f-6) is amended by strik-  
23           ing “fiscal years 1999 through 2003” and inserting “fiscal  
24           years 2014 through 2018”.



1 **CHAPTER 4—INDEPENDENT LIVING SERV-**  
 2 **ICES FOR OLDER INDIVIDUALS WHO**  
 3 **ARE BLIND**

4 **SEC. 586. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
 5 **DIVIDUALS WHO ARE BLIND.**

6 Chapter 2 of title VII (29 U.S.C. 796j et seq.) is  
 7 amended—

8 (1) by redesignating sections 752 and 753 as  
 9 sections 753 and 754, respectively; and

10 (2) by inserting after section 751 the following:

11 **“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

12 **“(a) GRANTS; CONTRACTS; OTHER ARRANGE-**  
 13 **MENTS.—**For any fiscal year for which the funds appro-  
 14 priated to carry out this chapter exceed the funds appro-  
 15 priated to carry out this chapter for fiscal year 2008, the  
 16 Commissioner shall first reserve from such excess, to pro-  
 17 vide training and technical assistance to designated State  
 18 agencies, or other providers of independent living services  
 19 for older individuals who are blind, that are funded under  
 20 this chapter for such fiscal year, not less than 1.8 percent,  
 21 and not more than 2 percent, of the funds appropriated  
 22 to carry out this chapter for the fiscal year involved.

23 **“(b) ALLOCATION.—**From the funds reserved under  
 24 subsection (a), the Commissioner shall make grants to,  
 25 and enter into contracts and other arrangements with, en-

1 tities that demonstrate expertise in the provision of serv-  
 2 ices to older individuals who are blind, to provide training  
 3 and technical assistance with respect to planning, devel-  
 4 oping, conducting, administering, and evaluating inde-  
 5 pendent living programs for older individuals who are  
 6 blind.

7 “(c) **FUNDING PRIORITIES.**—The Commissioner shall  
 8 conduct a survey of designated State agencies that receive  
 9 grants under section 753 regarding training and technical  
 10 assistance needs in order to determine funding priorities  
 11 for grants, contracts, and other arrangements under this  
 12 section.

13 “(d) **APPLICATION.**—To be eligible to receive a grant  
 14 or enter into a contract or other arrangement under this  
 15 section, an entity shall submit an application to the Com-  
 16 missioner at such time, in such manner, containing a pro-  
 17 posal to provide such training and technical assistance,  
 18 and containing such additional information as the Com-  
 19 missioner may require.”

20 **SEC. 587. PROGRAM OF GRANTS.**

21 Section 753 (29 U.S.C. 796k), as redesignated by  
 22 section 586, is amended—

23 (1) by striking subsection (h);

24 (2) by redesignating subsections (i) and (j) as  
 25 subsections (h) and (i), respectively;

1           ~~(3)~~ in subsection (b), by striking “section 753”  
 2           and inserting “section 754”;

3           ~~(4)~~ in subsection (c)—

4                 (A) in paragraph (1), by striking “section  
 5                 753” and inserting “section 754”; and

6                 (B) in paragraph (2)—

7                     (i) by striking “subsection (j)” and in-  
 8                     serting “subsection (i)”; and

9                     (ii) by striking “subsection (i)” and  
 10                     inserting “subsection (h)”;

11           ~~(5)~~ in subsection (g), by inserting “; or con-  
 12           tracts with,” after “grants to”;

13           ~~(6)~~ in subsection (h), as redesignated by para-  
 14           graph (2)—

15                 (A) in paragraph (1), by striking “sub-  
 16                 section (j)(4)” and inserting “subsection  
 17                 (i)(4)”; and

18                 (B) in paragraph (2)—

19                     (i) in subparagraph (A)(vi), by adding  
 20                     “and” after the semicolon;

21                     (ii) in subparagraph (B)(ii)(III), by  
 22                     striking “; and” and inserting a period;  
 23                     and

24                     (iii) by striking subparagraph (C);  
 25                     and

(7) in subsection (i), as redesignated by paragraph (2)—

(A) by striking paragraph (2) and inserting the following:

“(2) MINIMUM ALLOTMENT.—

“(A) STATES.—In the case of any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

“(i) \$350,000;

“(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2008; or

“(iii) an amount equal to  $\frac{1}{3}$  of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

“(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the amount referred

1 to in paragraph (1)(A) for a fiscal year is  
 2 \$60,000.”;

3 (B) in paragraph (3)(A), by striking “see-  
 4 tion 753” and inserting “section 754, and not  
 5 reserved under section 752,”; and

6 (C) in paragraph (4)(B)(i), by striking  
 7 “subsection (i)” and inserting “subsection (h)”.

8 **SEC. 588. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
 9 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**  
 10 **OF APPROPRIATIONS.**

11 Section 754 (29 U.S.C. 796l), as redesignated by sec-  
 12 tion 586, is amended by striking “fiscal years 1999  
 13 through 2003” and inserting “fiscal years 2014 through  
 14 2018”.

15 **Subtitle I—Increasing Employment**  
 16 **Opportunities for Individuals**  
 17 **With Disabilities**

18 **SEC. 591. DISABILITY EMPLOYMENT.**

19 (a) IN GENERAL.—The Rehabilitation Act of 1973  
 20 (29 U.S.C. 701 et seq.) is amended by adding at the end  
 21 the following:

1 **~~“TITLE VIII—INCREASING EM-~~**  
 2 **~~PLOYMENT OPPORTUNITIES~~**  
 3 **~~FOR INDIVIDUALS WITH DIS-~~**  
 4 **~~ABILITIES~~**

5 **~~“SEC. 801. OFFICE OF DISABILITY EMPLOYMENT POLICY,~~**  
 6 **~~SERVICES, AND SUPPORTS.~~**

7 ~~“(a) PURPOSE.—The purpose of this section is to es-~~  
 8 ~~tablish an Office of Disability Employment Policy, Serv-~~  
 9 ~~ices, and Supports—~~

10 ~~“(1) to help develop and support national poli-~~  
 11 ~~cies and practices that will increase employment and~~  
 12 ~~economic advancement opportunities for all individ-~~  
 13 ~~uals with disabilities;~~

14 ~~“(2) to ensure that such individuals are fully~~  
 15 ~~integrated into the 21st century workforce; and~~

16 ~~“(3) to help advance the purposes specified in~~  
 17 ~~section 2(b).~~

18 ~~“(b) OFFICE.—There is established within the De-~~  
 19 ~~partment of Labor an Office of Disability Employment~~  
 20 ~~Policy, Services, and Supports (referred to in this section~~  
 21 ~~as the ‘Office’). Except as otherwise specifically provided~~  
 22 ~~in this Act, such Office shall be the principal entity ear-~~  
 23 ~~rying out the functions described in this section.~~

24 ~~“(c) ASSISTANT SECRETARY.—~~

1           “(1) IN GENERAL.—The Office shall be headed  
2           by an Assistant Secretary of Disability Employment  
3           Policy, Services, and Supports (referred to in this  
4           title as the ‘Assistant Secretary’) appointed by the  
5           President by and with the advice and consent of the  
6           Senate. Except as otherwise specifically provided in  
7           this Act, the Assistant Secretary shall be the prin-  
8           cipal officer carrying out the functions described in  
9           this section.

10          “(2) EXPERIENCE.—The Assistant Secretary  
11          shall be an individual with experience in, and a thor-  
12          ough knowledge of, disability employment policy,  
13          training and educational opportunities for individ-  
14          uals with disabilities (including youth with disabili-  
15          ties); public benefit programs for individuals with  
16          disabilities; job development, and the barriers that  
17          may limit employment and economic advancement  
18          opportunities of individuals with disabilities.

19          “(3) GOALS AND DIRECTION.—In carrying out  
20          the functions of the Office, the Assistant Secretary  
21          shall be guided by the goals of achieving equal op-  
22          portunity, full participation, economic self-suffi-  
23          ciency, and independent living for all individuals  
24          with disabilities, to the greatest extent possible. In  
25          the performance of the functions of the Office, the

1 Assistant Secretary shall be directly responsible to  
 2 the Secretary of Labor.

3 ~~“(d) FUNCTIONS.—~~

4 ~~“(1) IN GENERAL.—~~The Assistant Secretary  
 5 shall provide national leadership, and encourage  
 6 interagency collaboration, on increasing employment  
 7 and training opportunities for individuals with dis-  
 8 abilities through the development of policies and ini-  
 9 tiatives (taking into account relevant information  
 10 from other Federal agencies and including the  
 11 awarding of grants as appropriate) that—

12 ~~“(A) eliminate barriers to the employment~~  
 13 ~~and training of individuals with disabilities;~~

14 ~~“(B) advance opportunities for employ-~~  
 15 ~~ment, and identify strategies that increase em-~~  
 16 ~~ployment opportunities in the private sector, for~~  
 17 ~~individuals with disabilities, including recruit-~~  
 18 ~~ment, retention, and promotion of such individ-~~  
 19 ~~uals;~~

20 ~~“(C) identify and remove disincentives that~~  
 21 ~~limit or prevent the full employment of individ-~~  
 22 ~~uals with disabilities who are receiving benefits~~  
 23 ~~through Federal or State programs such as~~  
 24 ~~medical assistance under a State Medicaid pro-~~  
 25 ~~gram under title XIX of the Social Security Act~~



1       (~~42 U.S.C. 1396 et seq.~~), disability insurance  
2       benefits under title II of the Social Security Act  
3       (~~42 U.S.C. 401 et seq.~~), or supplemental secu-  
4       rity income benefits under title XVI of the So-  
5       cial Security Act (~~42 U.S.C. 1381 et seq.~~);

6       “(D) advise and assist the Department of  
7       Labor and other Federal agencies in the devel-  
8       opment of policies and practices that increase  
9       employment opportunities in the Federal Gov-  
10      ernment for individuals with disabilities, includ-  
11      ing outreach to and recruitment, retention, and  
12      promotion of such individuals;

13      “(E) assist youth with disabilities, includ-  
14      ing such youth who are out-of-school youth, in  
15      successfully transitioning into competitive inte-  
16      grated employment;

17      “(F) increase access for individuals with  
18      disabilities seeking employment, education, and  
19      training services from a one-stop delivery sys-  
20      tem described in section 221(e) of the Work-  
21      force Investment Act of 2013, and other public  
22      and private providers of such services and sup-  
23      ports;

24      “(G) increase coordination of activities be-  
25      tween State vocational rehabilitation programs

1 and the workforce development systems (as de-  
 2 fined in section 101 of such Act), including the  
 3 one-stop centers (as defined in such section  
 4 101), including assisting individuals with dis-  
 5 abilities in maximizing the services available  
 6 through such programs, systems, and centers;

7 “(H) leverage available public and system  
 8 resources to address individual and systematic  
 9 employment barriers for individuals with dis-  
 10 abilities, and assist such individuals in navi-  
 11 gating the process of coordinating their public  
 12 benefits, including health care;

13 “(I) increase employment opportunities for  
 14 individuals with significant disabilities; and

15 “(J) meet other objectives, as specified by  
 16 the Secretary of Labor, that will increase em-  
 17 ployment and training opportunities for individ-  
 18 uals with disabilities.

19 “(2) LIMITED ENFORCEMENT AUTHORITY.—

20 The Assistant Secretary does not have enforcement  
 21 authority, under Federal laws other than this Act, to  
 22 carry out the functions described in paragraph (1).

23 “(e) REPORT.—For each fiscal year, beginning with  
 24 the first full fiscal year following the date of enactment  
 25 of the Workforce Investment Act of 2013, the Secretary

1 of Labor shall prepare a report and submit the report to  
 2 the Committee on Education and the Workforce of the  
 3 House of Representatives and the Committee on Health,  
 4 Education, Labor, and Pensions of the Senate, not later  
 5 than 90 days after the end of that fiscal year. The report  
 6 shall summarize the Office's progress in—

7           “(1) meeting the general objectives specified in  
 8           paragraphs (1) and (2) of subsection (a);

9           “(2) meeting each of the 4 goals specified in  
 10          subsection (c)(3); and

11          “(3) developing the specific policies and initia-  
 12          tives specified in subsection (d).

13          “(f) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 14 are authorized to be appropriated to carry out this section  
 15 such sums as may be necessary for each of fiscal years  
 16 2014 through 2018.

17 **“SEC. 802. ADVISORY COMMITTEE ON INCREASING COM-**  
 18 **PETITIVE INTEGRATED EMPLOYMENT FOR**  
 19 **INDIVIDUALS WITH DISABILITIES.**

20          “(a) **ESTABLISHMENT.**—Not later than 60 days after  
 21 the date of enactment of the Workforce Investment Act  
 22 of 2013, the Secretary of Labor shall establish an Advi-  
 23 sory Committee on Increasing Competitive Integrated Em-  
 24 ployment for Individuals with Disabilities (referred to in  
 25 this section as the ‘Committee’).

1       “(b) APPOINTMENT AND VACANCIES.—

2               “(1) APPOINTMENT.—The Secretary of Labor  
3       shall appoint the members of the Committee de-  
4       scribed in subsection (c)(6), in accordance with sub-  
5       section (c). Each member so appointed shall be ap-  
6       pointed for a 2-year term.

7               “(2) VACANCIES.—Any vacancy in the Com-  
8       mittee shall not affect its powers, but shall be filled  
9       in the same manner, in accordance with the same  
10      paragraph of subsection (c), as the original appoint-  
11      ment or designation was made.

12      “(c) COMPOSITION.—The Committee shall be com-  
13      posed of—

14              “(1) the Assistant Secretary of Disability Em-  
15      ployment Policy, Services, and Supports, the Assist-  
16      ant Secretary for Employment and Training, and  
17      the Administrator of the Wage and Hour Division,  
18      of the Department of Labor;

19              “(2) the Commissioner of the Administration on  
20      Developmental Disabilities, or the Commissioner’s  
21      designee;

22              “(3) the Director of the Centers for Medicare  
23      & Medicaid Services of the Department of Health  
24      and Human Services, or the Director’s designee;

1           “(4) the Commissioner of Social Security, or  
2           the Commissioner’s designee;

3           “(5) the Commissioner of the Disability Em-  
4           ployment Services and Supports Administration, or  
5           the Commissioner’s designee; and

6           “(6) representatives from constituencies con-  
7           sisting of—

8                   “(A) self-advocates for individuals with in-  
9                   tellectual or developmental disabilities;

10                   “(B) providers of employment services, in-  
11                   cluding those that employ individuals with intel-  
12                   lectual or developmental disabilities in competi-  
13                   tive integrated employment;

14                   “(C) representatives of national disability  
15                   advocacy organizations for adults with intellec-  
16                   tual or developmental disabilities;

17                   “(D) experts with a background in aca-  
18                   demia or research and expertise in employment  
19                   and wage policy issues for individuals with in-  
20                   tellectual or developmental disabilities;

21                   “(E) representatives from the employer  
22                   community or a national employer organization;  
23                   and

24                   “(F) other individuals or representatives of  
25                   organizations with expertise on the issue of in-

1           creasing opportunities for competitive inte-  
 2           grated employment for individuals with disabil-  
 3           ities.

4           “(d) CHAIRPERSON.—The Secretary of Labor shall  
 5     designate a Chairperson of the Committee from among the  
 6     appointed members of the Committee.

7           “(e) MEETINGS.—The Committee shall meet at the  
 8     call of the Chairperson, but not less often than 4 times  
 9     per year.

10          “(f) DUTIES.—The Committee shall study, and pre-  
 11     pare findings, conclusions, and recommendations for the  
 12     Secretary of Labor on, ways to—

13                 “(1) reduce reliance on the use of the certificate  
 14     program carried out under section 14(e) of the Fair  
 15     Labor Standards Act of 1938 (29 U.S.C. 214(e)) for  
 16     the employment of individuals with intellectual or  
 17     developmental disabilities, or other individuals with  
 18     significant disabilities, except in limited cir-  
 19     cumstances or for training purposes;

20                 “(2) increase the employment opportunities for  
 21     individuals described in paragraph (1) in competitive  
 22     integrated employment; and

23                 “(3) increase oversight of and accountability for  
 24     the use of such certificates.

25          “(g) COMMITTEE PERSONNEL MATTERS.—

1           “(1) TRAVEL EXPENSES.—The members of the  
 2       Committee shall not receive compensation for the  
 3       performance of services for the Committee, but shall  
 4       be allowed travel expenses, including per diem in lieu  
 5       of subsistence, at rates authorized for employees of  
 6       agencies under subchapter I of chapter 57 of title 5,  
 7       United States Code, while away from their homes or  
 8       regular places of business in the performance of  
 9       services for the Committee. Notwithstanding section  
 10      1342 of title 31, United States Code, the Secretary  
 11      may accept the voluntary and uncompensated serv-  
 12      ices of members of the Committee.

13           “(2) STAFF.—The Secretary of Labor may des-  
 14      ignate such personnel as may be necessary to enable  
 15      the Committee to perform its duties.

16           “(3) DETAIL OF GOVERNMENT EMPLOYEES.—  
 17      Any Federal Government employee, with the ap-  
 18      proval of the head of the appropriate Federal agen-  
 19      cy, may be detailed to the Committee without reim-  
 20      bursement, and such detail shall be without inter-  
 21      ruption or loss of civil service status or privilege.

22           “(4) FACILITIES, EQUIPMENT, AND SERV-  
 23      ICES.—The Secretary of Labor shall make available  
 24      to the Committee necessary office space and furnish  
 25      the Committee, under such arrangements respecting

1        financing as may be appropriate, with necessary  
 2        equipment, supplies, and services.

3        ~~“(h) REPORTS.—~~

4                ~~“(1) INTERIM AND FINAL REPORTS.—The Com-~~  
 5        ~~mittee shall prepare and submit to the Secretary of~~  
 6        ~~Labor, as well as the Committee on Health, Edu-~~  
 7        ~~cation, Labor, and Pensions of the Senate and other~~  
 8        ~~appropriate committees of Congress—~~

9                ~~“(A) an interim report that summarizes~~  
 10        ~~the progress of the Committee, along with any~~  
 11        ~~interim findings, conclusions, and recommenda-~~  
 12        ~~tions described in subsection (f); and~~

13                ~~“(B) a final report that summarizes that~~  
 14        ~~progress and states final findings, conclusions,~~  
 15        ~~and recommendations described in subsection~~  
 16        ~~(f).~~

17        ~~“(2) PREPARATION AND SUBMISSION.—The re-~~  
 18        ~~ports shall be prepared and submitted—~~

19                ~~“(A) in the case of the interim report, not~~  
 20        ~~later than 1 year after the date on which the~~  
 21        ~~Committee first meets; and~~

22                ~~“(B) in the case of the final report, not~~  
 23        ~~later than 2 years after the date on which the~~  
 24        ~~Committee first meets.~~



1       “(i) **TERMINATION.**—The Committee shall terminate  
 2 on the day after the date on which the Committee submits  
 3 the final report.

4       **“SEC. 803. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING**  
 5               **INDIVIDUALS WITH DISABILITIES.**

6       “(a) **IN GENERAL.**—Not later than 120 days after  
 7 the date of enactment of the Workforce Investment Act  
 8 of 2013, the Secretary of Labor, acting through the As-  
 9 sistant Secretary and in coordination with the Commis-  
 10 sioner of the Disability Employment Services and Sup-  
 11 ports Administration, the Commissioner of Social Secu-  
 12 rity, and the heads of other relevant Federal agencies and  
 13 divisions of Federal agencies, shall develop and carry out  
 14 public education campaigns that educate employers (in-  
 15 cluding small businesses), employees (including individuals  
 16 with disabilities), and members of the general public (in-  
 17 cluding young adults) on the benefits of hiring individuals  
 18 with disabilities. The public education campaign for em-  
 19 ployers (including small businesses) shall include informa-  
 20 tion on—

21               “(1) the work opportunity credit under section  
 22 51 of the Internal Revenue Code of 1986; and

23               “(2) tax incentives available to businesses to  
 24 help cover the cost of improving accessibility, includ-  
 25 ing—

1                   “(A) the disabled access credit under sec-  
 2                   tion 44 of the Internal Revenue Code of 1986;  
 3                   and

4                   “(B) the tax deduction available under sec-  
 5                   tion 190 of the Internal Revenue Code of 1986,  
 6                   for expenses for architectural barrier removal.

7           “(b) EDUCATIONAL MATERIALS.—The public edu-  
 8           cation campaigns described in subsection (a) shall include,  
 9           as necessary, different educational materials in order to  
 10          adequately target and educate, small businesses, employ-  
 11          ers generally, employees, and members of the general pub-  
 12          lic, including educational materials on work incentives that  
 13          may assist individuals with disabilities in leaving programs  
 14          of public benefits, entering the workforce, advancing their  
 15          economic status, and contributing to and participating  
 16          more fully in their communities.”.

17          (b) ELIMINATION OF TEXT ESTABLISHING EXISTING  
 18          OFFICE.—Title I of the Department of Labor Appropria-  
 19          tions Act, 2001, as enacted into law by section 1(a)(1)  
 20          of the Consolidated Appropriations Act, 2001 is amended,  
 21          in the matter under the header “SALARIES AND EX-  
 22          PENSES” in the matter under the header “DEPART-  
 23          MENTAL MANAGEMENT”, by striking “: *Provided further,*  
 24          That beginning” and all that follows through “this pur-  
 25          pose”.

1       (c) REFERENCES.—A reference in any other Federal  
 2 law, Executive order, rule, regulation, or delegation of au-  
 3 thority, or any document of or relating to—

4           (1) the Assistant Secretary for Disability Em-  
 5 ployment Policy, shall be deemed to refer to the As-  
 6 sistant Secretary of Disability Employment Policy,  
 7 Services, and Supports; and

8           (2) the Office of Disability Employment Policy,  
 9 shall be deemed to refer to the Office of Disability  
 10 Employment Policy, Services, and Supports.

## 11       **Subtitle J—General Provisions**

### 12       **SEC. 596. TRANSFER OF FUNCTIONS TO DEPARTMENT OF** 13           **LABOR, AND SAVINGS PROVISIONS.**

14       (a) DEFINITIONS.—For purposes of this section, un-  
 15 less otherwise provided or indicated by the context—

16           (1) the term “Disability Employment Services  
 17 and Supports Administration” means the Disability  
 18 Employment Services and Supports Administration  
 19 of the Office of Disability Employment Policy, Serv-  
 20 ices, and Supports of the Department of Labor;

21           (2) the term “Federal agency” has the meaning  
 22 given to the term “agency” by section 551(1) of title  
 23 5, United States Code;

1           (3) the term “function” means any duty, obli-  
 2           gation, power, authority, responsibility, right, privi-  
 3           lege, activity, or program;

4           (4) the term “office” includes any office, ad-  
 5           ministration, agency, institute, unit, organizational  
 6           entity, or component thereof; and

7           (5) the term “Rehabilitation Services Adminis-  
 8           tration” means the Rehabilitation Services Adminis-  
 9           tration of the Office of Special Education and Reha-  
 10          bilitative Services of the Department of Education.

11       (b) TRANSFER OF FUNCTIONS.—There are trans-  
 12       ferred to the Disability Employment Services and Sup-  
 13       ports Administration, all functions which the Commis-  
 14       sioner of the Rehabilitation Services Administration exer-  
 15       cised before the effective date of this section (including  
 16       all related functions of any officer or employee of that Ad-  
 17       ministration) under the Rehabilitation Act of 1973 (29  
 18       U.S.C. 701 et seq.); other than title VII of that Act (29  
 19       U.S.C. 796 et seq.).

20       (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY  
 21       THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-  
 22       essary, the Office of Management and Budget shall make  
 23       any determination of the functions that are transferred  
 24       under this section.

25       (d) PERSONNEL PROVISIONS.—

1           (1) APPOINTMENTS.—The Commissioner of the  
2   Disability Employment Services and Supports Ad-  
3   ministration may appoint and fix the compensation  
4   of such officers and employees, including investiga-  
5   tors, attorneys, and administrative law judges, as  
6   may be necessary to carry out the respective func-  
7   tions transferred under this section. Except as oth-  
8   erwise provided by law, such officers and employees  
9   shall be appointed in accordance with the civil serv-  
10   ice laws and their compensation fixed in accordance  
11   with title 5, United States Code.

12           (2) EXPERTS AND CONSULTANTS.—The Com-  
13   missioner of the Disability Employment Services and  
14   Supports Administration may obtain the services of  
15   experts and consultants in accordance with section  
16   3109 of title 5, United States Code, and compensate  
17   such experts and consultants for each day (including  
18   travel time) at rates not in excess of the rate of pay  
19   for level IV of the Executive Schedule under section  
20   5315 of such title. The Commissioner of the Dis-  
21   ability Employment Services and Supports Adminis-  
22   tration may pay experts and consultants who are  
23   serving away from their homes or regular place of  
24   business travel expenses and per diem in lieu of sub-  
25   sistence at rates authorized by sections 5702 and

1       5703 of such title for persons in Government service  
2       employed intermittently.

3       (c) DELEGATION AND ASSIGNMENT.—Except where  
4 otherwise expressly prohibited by law or otherwise pro-  
5 vided by this section, the Commissioner of the Disability  
6 Employment Services and Supports Administration may  
7 delegate any of the functions transferred to the Commis-  
8 sioner of such Administration by this section and any  
9 function transferred or granted to such Commissioner  
10 after the effective date of this section to such officers and  
11 employees of such Administration as the Commissioner  
12 may designate, and may authorize successive redelegations  
13 of such functions as may be necessary or appropriate. No  
14 delegation of functions by the Commissioner of the Dis-  
15 ability Employment Services and Supports Administration  
16 under this subsection or under any other provision of this  
17 section shall relieve such Commissioner of responsibility  
18 for the administration of such functions.

19       (f) REORGANIZATION.—The Commissioner of the  
20 Disability Employment Services and Supports Administra-  
21 tion is authorized to allocate or reallocate any function  
22 transferred under this section among the officers of such  
23 Administration, and to establish, consolidate, alter, or dis-  
24 continue such organizational entities in such Administra-  
25 tion as may be necessary or appropriate.

1       (g) RULES.—The Commissioner of the Disability  
2   Employment Services and Supports Administration is au-  
3   thorized to prescribe, in accordance with the provisions of  
4   chapters 5 and 6 of title 5, United States Code, such rules  
5   and regulations as that Commissioner determines nec-  
6   essary or appropriate to administer and manage the func-  
7   tions of that Administration.

8       (h) TRANSFER AND ALLOCATIONS OF APPROPRIA-  
9   TIONS AND PERSONNEL.—Except as otherwise provided  
10   in this section, the personnel employed in connection with,  
11   and the assets, liabilities, contracts, property, records, and  
12   unexpended balances of appropriations, authorizations, al-  
13   locations, and other funds employed, used, held, arising  
14   from, available to, or to be made available in connection  
15   with the functions transferred by this section, subject to  
16   section 1531 of title 31, United States Code, shall be  
17   transferred to the Disability Employment Services and  
18   Supports Administration. Unexpended funds transferred  
19   pursuant to this subsection shall be used only for the pur-  
20   poses for which the funds were originally authorized and  
21   appropriated.

22       (i) INCIDENTAL TRANSFERS.—The Director of the  
23   Office of Management and Budget, at such time or times  
24   as the Director shall provide, is authorized to make such  
25   determinations as may be necessary with regard to the

1 functions transferred by this section, and to make such  
2 additional incidental dispositions of personnel, assets, li-  
3 abilities, grants, contracts, property, records, and unex-  
4 pended balances of appropriations, authorizations, alloca-  
5 tions, and other funds held, used, arising from, available  
6 to, or to be made available in connection with such func-  
7 tions, as may be necessary to carry out the provisions of  
8 this section. The Director of the Office of Management  
9 and Budget shall provide for the termination of the affairs  
10 of all entities terminated by this section and for such fur-  
11 ther measures and dispositions as may be necessary to ef-  
12 fectuate the purposes of this section.

13       (j) EFFECT ON PERSONNEL.—

14           (1) IN GENERAL.—Except as otherwise pro-  
15 vided by this section, the transfer pursuant to this  
16 section of full-time personnel (except special Govern-  
17 ment employees) and part-time personnel holding  
18 permanent positions shall not cause any such em-  
19 ployee to be separated or reduced in grade or com-  
20 pensation for 1 year after the date of transfer of  
21 such employee under this section.

22           (2) EXECUTIVE SCHEDULE POSITIONS.—Except  
23 as otherwise provided in this section, any person  
24 who, on the day preceding the effective date of this  
25 section, held a position compensated in accordance



1 with the Executive Schedule prescribed in chapter  
 2 53 of title 5, United States Code, and who, without  
 3 a break in service, is appointed in the Disability Em-  
 4 ployment Services and Supports Administration to a  
 5 position having duties comparable to the duties per-  
 6 formed immediately preceding such appointment  
 7 shall continue to be compensated in such new posi-  
 8 tion at not less than the rate provided for such pre-  
 9 vious position, for the duration of the service of such  
 10 person in such new position.

11 ~~(3) TERMINATION OF CERTAIN POSITIONS.—~~

12 Positions whose incumbents are appointed by the  
 13 President, by and with the advice and consent of the  
 14 Senate, the functions of which are transferred by  
 15 this section, shall terminate on the effective date of  
 16 this section.

17 ~~(k) SAVINGS PROVISIONS.—~~

18 ~~(1) CONTINUING EFFECT OF LEGAL DOCU-~~  
 19 ~~MENTS.—All orders, determinations, rules, regula-~~  
 20 ~~tions, permits, agreements, grants, contracts, certifi-~~  
 21 ~~cates, licenses, registrations, privileges, and other~~  
 22 ~~administrative actions—~~

23 ~~(A) which have been issued, made, grant-~~  
 24 ~~ed, or allowed to become effective by the Presi-~~  
 25 ~~dent, any Federal agency or official thereof, or~~

by a court of competent jurisdiction; in the performance of functions which are transferred under this section; and

(B) which are in effect at the time this section takes effect, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Commissioner of the Disability Employment Services and Supports Administration or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Rehabilitation Services Administration at the time this section takes effect, with respect to functions transferred by this section but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and

1        payments shall be made pursuant to such orders, as  
2        if this section had not been enacted, and orders  
3        issued in any such proceedings shall continue in ef-  
4        fect until modified, terminated, superseded, or re-  
5        voked by a duly authorized official, by a court of  
6        competent jurisdiction, or by operation of law. Noth-  
7        ing in this paragraph shall be deemed to prohibit the  
8        discontinuance or modification of any such pro-  
9        ceeding under the same terms and conditions and to  
10       the same extent that such proceeding could have  
11       been discontinued or modified if this section had not  
12       been enacted.

13            ~~(3) SUITS NOT AFFECTED.~~—The provisions of  
14       this section shall not affect suits commenced (with  
15       respect to functions transferred under this section)  
16       before the effective date of this section, and in all  
17       such suits, proceedings shall be had, appeals taken,  
18       and judgments rendered in the same manner and  
19       with the same effect as if this section had not been  
20       enacted.

21            ~~(4) NONABATEMENT OF ACTIONS.~~—No suit, ac-  
22       tion, or other proceeding commenced by or against  
23       the Rehabilitation Services Administration (with re-  
24       gard to functions transferred under this section), or  
25       by or against any individual in the official capacity

1 of such individual as an officer of the Rehabilitation  
2 Services Administration (with regard to functions  
3 transferred under this section); shall abate by reason  
4 of the enactment of this section.

5 (5) ADMINISTRATIVE ACTIONS RELATING TO  
6 PROMULGATION OF REGULATIONS.—Any administra-  
7 tive action relating to the preparation or promulga-  
8 tion of a regulation by the Rehabilitation Services  
9 Administration (with regard to functions transferred  
10 under this section) may be continued by the Dis-  
11 ability Employment Services and Supports Adminis-  
12 tration with the same effect as if this section had  
13 not been enacted.

14 (l) SEPARABILITY.—If a provision of this section or  
15 its application to any person or circumstance is held in-  
16 valid, neither the remainder of this section nor the applica-  
17 tion of the provision to other persons or circumstances  
18 shall be affected.

19 (m) REFERENCES.—A reference in any other Federal  
20 law, Executive order, rule, regulation, or delegation of au-  
21 thority, or any document of or relating to—

22 (1) the Commissioner of the Rehabilitation  
23 Services Administration (with regard to functions  
24 transferred under this section); shall be deemed to

1 refer to the Commissioner of the Disability Employ-  
2 ment Services and Supports Administration; and

3 ~~(2) the Rehabilitation Services Administration~~  
4 ~~(with regard to functions transferred under this sec-~~  
5 ~~tion), shall be deemed to refer to the Disability Em-~~  
6 ~~ployment Services and Supports Administration.~~

7 ~~(n) ADDITIONAL CONFORMING AMENDMENTS.—~~

8 ~~(1) RECOMMENDED LEGISLATION.—After con-~~  
9 ~~sultation with the appropriate committees of Con-~~  
10 ~~gress and the Director of the Office of Management~~  
11 ~~and Budget, the Commissioner of the Disability Em-~~  
12 ~~ployment Services and Supports Administration shall~~  
13 ~~prepare and submit to Congress recommended legis-~~  
14 ~~lation containing technical and conforming amend-~~  
15 ~~ments to reflect the changes made by this section.~~

16 ~~(2) SUBMISSION TO CONGRESS.—Not later than~~  
17 ~~180 days after the effective date of this section, the~~  
18 ~~Commissioner of the Disability Employment Services~~  
19 ~~and Supports Administration shall submit the rec-~~  
20 ~~ommended legislation referred to under paragraph~~  
21 ~~(1).~~

22 ~~(o) TRANSITION.—The Commissioner of the Dis-~~  
23 ~~ability Employment Services and Supports Administration~~  
24 ~~is authorized to utilize—~~

1           (1) the services of such officers, employees, and  
 2           other personnel of the Rehabilitation Services Ad-  
 3           ministration with regard to functions transferred  
 4           under this section; and

5           (2) funds appropriated to such functions,  
 6           for such period of time as may reasonably be needed to  
 7           facilitate the orderly implementation of this section.

8           (p) INTERIM LEADERSHIP.—Until the date on which  
 9           the Commissioner of the Disability Employment Services  
 10          and Supports Administration takes office, the Secretary  
 11          of Labor may exercise any authority of that Administra-  
 12          tion.

13   **SEC. 597. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**  
 14                   **HEALTH AND HUMAN SERVICES, AND SAV-**  
 15                   **INGS PROVISIONS.**

16          (a) INDEPENDENT LIVING ADMINISTRATION.—

17           (1) DEFINITIONS.—For purposes of this sub-  
 18          section, unless otherwise provided or indicated by  
 19          the context—

20           (A) the terms “Disability Employment  
 21          Services and Supports Administration”, “func-  
 22          tion”, and “Rehabilitation Services Administra-  
 23          tion” have the meanings given the terms in sec-  
 24          tion 596; and

(B) the term “Independent Living Administration” means the Independent Living Administration of the Administration for Community Living of the Department of Health and Human Services.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Independent Living Administration, all functions which the Commissioner of the Rehabilitation Services Administration exercised before the effective date of this section (including all related functions of any officer or employee of that Administration) under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) ADMINISTRATIVE MATTERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsections (d) through (o) of section 596—

(i) shall apply to the Rehabilitation Services Administration; and

1                   (ii) shall apply to the Independent  
 2                   Living Administration and the Director of  
 3                   that Administration in the same manner  
 4                   and to the same extent as those sub-  
 5                   sections apply to the Disability Employ-  
 6                   ment Services and Supports Administra-  
 7                   tion and the Commissioner of that Admin-  
 8                   istration.

9                   (B) REFERENCES TO TRANSFERS.—For  
 10                  purposes of applying those subsections under  
 11                  subparagraph (A), references in those sub-  
 12                  sections to a transfer shall be considered to  
 13                  refer to a transfer under paragraph (2) or a  
 14                  corresponding provision of this subsection.

15               (5) INTERIM LEADERSHIP.—Until the date on  
 16               which the Director of the Independent Living Ad-  
 17               ministration takes office, the Secretary of Health  
 18               and Human Services may exercise any authority of  
 19               that Administration.

20               (b) NATIONAL INSTITUTE ON DISABILITY, INDE-  
 21               PENDENT LIVING, AND REHABILITATION RESEARCH.—

22               (1) DEFINITIONS.—For purposes of this sub-  
 23               section, unless otherwise provided or indicated by  
 24               the context—



(A) the terms “Disability Employment Services and Supports Administration”, “function”, and “Rehabilitation Services Administration” have the meanings given the terms in section 596;

(B) the term “NIDILRR” means the National Institute on Disability, Independent Living, and Rehabilitation Research of the Administration for Community Living of the Department of Health and Human Services; and

(C) the term “NIDRR” means the National Institute on Disability and Rehabilitation Research of the Office of Special Education and Rehabilitative Services of the Department of Education.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the NIDILRR, all functions which the Director of the NIDRR exercised before the effective date of this section (including all related functions of any officer or employee of the NIDRR).

(3) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

1           (4) ADMINISTRATIVE MATTERS.—

2           (A) IN GENERAL.—Except as provided in  
3           subparagraph (B), subsections (d) through (o)  
4           of section 596—

5           (i) shall apply to the NIDRR and the  
6           Director of the NIDRR in the same man-  
7           ner and to the same extent as those sub-  
8           sections apply to the Rehabilitation Serv-  
9           ices Administration and the Commissioner  
10          of that Administration; and

11          (ii) shall apply to the NIDILRR and  
12          the Director of the NIDILRR in the same  
13          manner and to the same extent as those  
14          subsections apply to the Disability Employ-  
15          ment Services and Supports Administra-  
16          tion and the Commissioner of that Admin-  
17          istration.

18          (B) REFERENCES TO TRANSFERS.—For  
19          purposes of applying those subsections under  
20          subparagraph (A), references in those sub-  
21          sections to a transfer shall be considered to  
22          refer to a transfer under paragraph (2) or a  
23          corresponding provision of this subsection.

24   **SEC. 598. TABLE OF CONTENTS.**

25          The table of contents in section 1(b) is amended—

1           (1) by striking the item relating to section 12  
2           and inserting the following:

“Sec. 12. Administration by the Secretary of Labor.

“Sec. 12A. Administration by the Secretary of Health and Human Services.”;

3           (2) by striking the item relating to section 14  
4           and inserting the following:

“Sec. 14. Evaluation by the Secretary of Labor.

“Sec. 14A. Evaluation by the Secretary of Health and Human Services.”;

5           (3) by striking the item relating to section 109  
6           and inserting the following:

“Sec. 109. Training and services for employers.”;

7           (4) by inserting after the item relating to sec-  
8           tion 112 the following:

“Sec. 113. Additional technical assistance.

“Sec. 114. Pre-employment transition services.”;

9           (5) by striking the item relating to section 202  
10          and inserting the following:

“Sec. 202. National Institute on Disability, Independent Living, and Rehabili-  
tation Research.”;

11          (6) by striking the item relating to section 205  
12          and inserting the following:

“Sec. 205. Disability, Independent Living, and Rehabilitation Research Advi-  
sory Council.

“Sec. 206. Definition of covered school.”;

13          (7) by inserting after the item relating to sec-  
14          tion 509 the following:

“Sec. 510. Establishment of standards for accessible medical diagnostic equip-  
ment.

“Sec. 511. Employment of individuals with significant disabilities at a submin-  
imum wage.”;

1           (8) by striking the items relating to part B of  
2           title VI and inserting the following:

“PART B—SUPPORTED EMPLOYMENT SERVICES

“Sec. 621. Purpose.  
“Sec. 622. Allotments.  
“Sec. 623. Availability of services.  
“Sec. 624. Eligibility.  
“Sec. 625. State plan.  
“Sec. 626. Restriction.  
“Sec. 627. Savings provision.  
“Sec. 628. Authorization of appropriations.”;

3           (9) in the items relating to title VII—

4           (A)(i) by inserting after the item relating  
5           to section 701 the following:

“Sec. 701A. Independent Living Administration.”;

6           and

7           (ii) by striking the item relating to section  
8           706 and inserting the following:

“Sec. 706. Responsibilities of the ILA Director.”;

9           (B) by inserting after the item relating to  
10          section 711 the following:

“Sec. 711A. Training and technical assistance.”;

11          and

12          (C) by striking the items relating to sec-  
13          tions 752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.  
“Sec. 753. Program of grants.  
“Sec. 754. Authorization of appropriations.”;

14          and

15          (10) by adding at the end the following:

“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR  
INDIVIDUALS WITH DISABILITIES

“Sec. 801. Office of Disability Employment Policy, Services, and Supports.

“Sec. 802. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

“Sec. 803. Public education campaigns about hiring individuals with disabilities.”.

## **TITLE VI—GENERAL PROVISIONS**

### **Subtitle A—Workforce Investment**

#### **SEC. 601. PRIVACY.**

(a) SECTION 444 OF THE GENERAL EDUCATION PROVISIONS ACT.—Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—

(1) IN GENERAL.—Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title II.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title II or to carry out program management activities consistent with title II.

#### **SEC. 602. BUY-AMERICAN REQUIREMENTS.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available under title II or III or under

1 the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be ex-  
 2 pended by an entity unless the entity agrees that in ex-  
 3 pending the funds the entity will comply with sections  
 4 8301 through 8303 of title 41, United States Code (com-  
 5 monly known as the “Buy American Act”).

6 (b) SENSE OF THE CONGRESS; REQUIREMENT RE-  
 7 GARDING NOTICE.—

8 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
 9 AND PRODUCTS.—In the case of any equipment or  
 10 product that may be authorized to be purchased  
 11 with financial assistance provided using funds made  
 12 available under title II or III or under the Wagner-  
 13 Peyser Act (29 U.S.C. 49 et seq.), it is the sense of  
 14 Congress that entities receiving the assistance  
 15 should, in expending the assistance, purchase only  
 16 American-made equipment and products.

17 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—  
 18 In providing financial assistance using funds made  
 19 available under title II or III or under the Wagner-  
 20 Peyser Act, the head of each Federal agency shall  
 21 provide to each recipient of the assistance a notice  
 22 describing the statement made in paragraph (1) by  
 23 Congress.

24 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
 25 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

1 If it has been finally determined by a court or Federal  
 2 agency that any person intentionally affixed a label bear-  
 3 ing a “Made in America” inscription, or any inscription  
 4 with the same meaning, to any product sold in or shipped  
 5 to the United States that is not made in the United  
 6 States, the person shall be ineligible to receive any con-  
 7 tract or subcontract made with funds made available  
 8 under title II or III or under the Wagner-Peyser Act (29  
 9 U.S.C. 49 et seq.), pursuant to the debarment, suspension,  
 10 and ineligibility procedures described in sections 9.400  
 11 through 9.409 of title 48, Code of Federal Regulations,  
 12 as such sections were in effect on August 7, 1998, or pur-  
 13 suant to any successor regulations.

14 **SEC. 603. TRANSITION PROVISIONS.**

15 (a) **WORKFORCE DEVELOPMENT SYSTEMS.**—The  
 16 Secretary of Labor and the Secretary of Education shall  
 17 take such actions as the Secretaries determine to be ap-  
 18 propriate to provide for the orderly transition from any  
 19 authority under the Workforce Investment Act of 1998  
 20 (29 U.S.C. 2801 et seq.) to any authority under title I.  
 21 Such actions shall include the provision of guidance re-  
 22 lated to unified state planning and the performance ac-  
 23 countability system described under such title.

24 (b) **WORKFORCE INVESTMENT ACTIVITIES.**—The  
 25 Secretary of Labor shall take such actions as the Sec-

1 retary determines to be appropriate to provide for the or-  
2 derly transition from any authority under the Workforce  
3 Investment Act of 1998 to any authority under title II.

4 (c) ADULT EDUCATION AND LITERACY PROGRAMS.—

5 The Secretary of Education shall take such actions as the  
6 Secretary determines to be appropriate to provide for the  
7 orderly transition from any authority under the Adult  
8 Education and Family Literacy Act (20 U.S.C. 9201 et  
9 seq.); as in effect on the day before the date of enactment  
10 of this Act, to any authority under the Adult Education  
11 and Family Literacy Act, as amended by this Act.

12 (d) EMPLOYMENT SERVICES ACTIVITIES.—The Sec-

13 retary of Labor shall take such actions as the Secretary  
14 determines to be appropriate to provide for the orderly  
15 transition from any authority under the Wagner-Peyser  
16 Act (29 U.S.C. 49 et seq.); as in effect on the day before  
17 the date of enactment of this Act, to any authority under  
18 the Wagner-Peyser Act, as amended by this Act.

19 (e) VOCATIONAL REHABILITATION PROGRAMS.—The

20 Secretary of Education shall take such actions as the Sec-  
21 retary determines to be appropriate to provide for the or-  
22 derly transition from any authority under the Rehabilita-  
23 tion Act of 1973 (29 U.S.C. 701 et seq.); as in effect on  
24 the day before the date of enactment of this Act, to any



1 authority under the Rehabilitation Act of 1973, as amend-  
 2 ed by this Act.

3 (f) REGULATIONS.—

4 (1) PROPOSED REGULATIONS.—Not later than  
 5 180 days after the date of enactment of this Act, the  
 6 Secretary of Labor and the Secretary of Education,  
 7 as appropriate, shall develop and publish in the Fed-  
 8 eral Register proposed regulations relating to the  
 9 transition to, and implementation of, this Act.

10 (2) FINAL REGULATIONS.—Not later than 18  
 11 months after the date of enactment of this Act, the  
 12 Secretary of Labor and the Secretary of Education,  
 13 as appropriate, shall develop and publish in the Fed-  
 14 eral Register final regulations relating to the transi-  
 15 tion to, and implementation of, this Act.

16 (g) EXPENDITURE OF FUNDS DURING TRANSI-  
 17 TION.—

18 (1) IN GENERAL.—Subject to paragraph (2)  
 19 and in accordance with regulations developed under  
 20 subsection (f), States, grant recipients, administra-  
 21 tive entities, and other recipients of financial assist-  
 22 ance under the Workforce Investment Act of 1998  
 23 may expend funds received under such Act, prior to  
 24 July 1, 2015, in order to plan and implement pro-  
 25 grams and activities authorized under this Act.

1           (2) ~~ADDITIONAL REQUIREMENTS.—~~Not more  
2           than 2 percent of any allotment to any State from  
3           amounts appropriated under the Workforce Invest-  
4           ment Act of 1998 for fiscal year 2014 may be made  
5           available to carry out activities authorized under  
6           paragraph (1) and not less than 50 percent of any  
7           amount used to carry out activities authorized under  
8           paragraph (1) shall be made available to local enti-  
9           ties for the purposes of the activities described in  
10          such paragraph.

11 **SEC. 604. EFFECTIVE DATES.**

12          (a) ~~IN GENERAL.—~~Except as otherwise provided in  
13          this Act, this Act, and the amendments made by this Act,  
14          take effect on the date of enactment of this Act.

15          (b) ~~EFFECTIVE DATE FOR WORKFORCE DEVELOP-~~  
16          ~~MENT PERFORMANCE ACCOUNTABILITY SYSTEM.—~~The  
17          requirements of section 131 shall apply beginning on the  
18          first day of the second full program year after the date  
19          of enactment of this Act.

1     **Subtitle B—Amendments to Other**  
 2                     **Laws**

3     **SEC. 611. REPEAL OF THE WORKFORCE INVESTMENT ACT**  
 4                     **OF 1998.**

5         (a) **YOUTH OPPORTUNITY GRANTS.**—Section 169 of  
 6 the Workforce Investment Act of 1998 (29 U.S.C. 2914)  
 7 is repealed.

8         (b) **TWENTY-FIRST CENTURY WORKFORCE COMMISS-**  
 9 **SION.**—Subtitle C of title III of the Workforce Investment  
 10 Act of 1998 (29 U.S.C. 2701 note) is repealed.

11       (c) **WORKFORCE INVESTMENT ACT OF 1998.**—The  
 12 Workforce Investment Act of 1998 (29 U.S.C. 2801 et  
 13 seq.) is repealed.

14     **SEC. 612. PREPARATION AND SUBMISSION OF CON-**  
 15                     **FORMING AMENDMENTS.**

16       (a) **PREPARATION.**—After consultation with the ap-  
 17 propriate committees of Congress and the Director of the  
 18 Office of Management and Budget, the Secretary of Labor  
 19 and the Secretary of Education, as appropriate, shall pre-  
 20 pare recommended legislation containing technical and  
 21 conforming amendments to reflect the changes made by  
 22 titles I through V.

23       (b) **SUBMISSION TO CONGRESS.**—Not later than 6  
 24 months after the date of enactment of this Act, the Sec-  
 25 retary of Labor and the Secretary of Education, as appro-

1 priate, shall submit to Congress the recommended legisla-  
 2 tion referred to in subsection (a).

3 **SEC. 613. WORKFORCE INVESTMENT REFERENCES AND**  
 4 **CONFORMING AMENDMENTS.**

5 (a) **WORKFORCE INVESTMENT ACT OF 1998 REF-**  
 6 **ERENCES.**—Except as otherwise specified, a reference in  
 7 a Federal law to a provision of the Workforce Investment  
 8 Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to  
 9 refer to the corresponding provision of this Act.

10 (b) **WAGNER-PEYSER ACT REFERENCES.**—Except as  
 11 otherwise specified, a reference in a Federal law to a provi-  
 12 sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall  
 13 be deemed to refer to the corresponding provision of such  
 14 Act, as amended by this Act.

15 **SEC. 614. DISABILITY-RELATED REFERENCES AND CON-**  
 16 **FORMING AMENDMENTS.**

17 Except as otherwise specified, a reference in a Fed-  
 18 eral law to a provision of the Rehabilitation Act of 1973  
 19 (29 U.S.C. 701 et seq.) shall be deemed to refer to the  
 20 corresponding provision of such Act, as amended by this  
 21 Act.

22 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

23 (a) **SHORT TITLE.**—*This Act may be cited as the*  
 24 *“Workforce Investment Act of 2013”.*

1        *(b) TABLE OF CONTENTS.—The table of contents for*  
 2 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purposes.*

*TITLE I—SYSTEM ALIGNMENT AND INNOVATION*

*Sec. 101. Definitions.*

*Subtitle A—Workforce Boards and Plans*

*CHAPTER 1—STATE PROVISIONS*

*Sec. 111. State workforce development boards.*

*Sec. 112. Unified State plan.*

*Sec. 113. Combined State plan.*

*CHAPTER 2—LOCAL PROVISIONS*

*Sec. 116. Local workforce development areas.*

*Sec. 117. Local workforce development boards.*

*Sec. 118. Local plan.*

*CHAPTER 3—GENERAL PROVISIONS*

*Sec. 121. Qualifications for directors.*

*Sec. 122. Funding of State and local boards.*

*Subtitle B—Workforce Development Performance Accountability System*

*Sec. 131. Performance accountability system.*

*Subtitle C—Workforce Innovation and Replication Grants*

*Sec. 141. Purposes.*

*Sec. 142. Workforce innovation and replication grants.*

*Sec. 143. Youth innovation and replication grants.*

*Sec. 144. Interagency agreement.*

*TITLE II—WORKFORCE INVESTMENT AND RELATED ACTIVITIES*

*Subtitle A—Definition*

*Sec. 201. Definition.*

*Subtitle B—Workforce Investment Activities and Providers*

*Sec. 211. Purpose.*

*CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS*

*Sec. 221. Establishment of one-stop delivery systems.*

*Sec. 222. Identification of eligible providers of training services.*

*Sec. 223. Eligible providers of youth workforce investment activities.*

*CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES*

*Sec. 226. General authorization.*

- Sec. 227. State allotments.*
- Sec. 228. Within State allocations.*
- Sec. 229. Use of funds for youth workforce investment activities.*

*CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING  
ACTIVITIES*

- Sec. 231. General authorization.*
- Sec. 232. State allotments.*
- Sec. 233. Within State allocations.*
- Sec. 234. Use of funds for employment and training activities.*

*CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS*

- Sec. 236. Authorization of appropriations.*

*Subtitle C—Job Corps*

- Sec. 241. Purposes.*
- Sec. 242. Definitions.*
- Sec. 243. Establishment.*
- Sec. 244. Individuals eligible for the Job Corps.*
- Sec. 245. Recruitment, screening, selection, and assignment of enrollees.*
- Sec. 246. Enrollment.*
- Sec. 247. Job Corps centers.*
- Sec. 248. Program activities.*
- Sec. 249. Counseling and job placement.*
- Sec. 250. Support.*
- Sec. 251. Operating plan.*
- Sec. 252. Standards of conduct.*
- Sec. 253. Community participation.*
- Sec. 254. Industry councils.*
- Sec. 255. Advisory committees.*
- Sec. 256. Experimental, research, and demonstration projects.*
- Sec. 257. Application of provisions of Federal law.*
- Sec. 258. Special provisions.*
- Sec. 259. Management information.*
- Sec. 260. General provisions.*
- Sec. 261. Job Corps oversight and reporting.*
- Sec. 262. Authorization of appropriations.*

*Subtitle D—National Programs*

- Sec. 266. Native American programs.*
- Sec. 267. Migrant and seasonal farmworker programs.*
- Sec. 268. Veterans' workforce investment programs.*
- Sec. 269. Technical assistance.*
- Sec. 270. Evaluations and research.*
- Sec. 271. National dislocated worker grants.*
- Sec. 272. YouthBuild program.*
- Sec. 273. Authorization of appropriations.*

*Subtitle E—Administration*

- Sec. 281. Requirements and restrictions.*
- Sec. 282. Prompt allocation of funds.*
- Sec. 283. Monitoring.*

- Sec. 284. Fiscal controls; sanctions.*
- Sec. 285. Reports; recordkeeping; investigations.*
- Sec. 286. Administrative adjudication.*
- Sec. 287. Judicial review.*
- Sec. 288. Nondiscrimination.*
- Sec. 289. Secretarial administrative authorities and responsibilities.*
- Sec. 290. Workforce flexibility plans.*
- Sec. 291. State legislative authority.*
- Sec. 292. Transfer of Federal equity in State employment security agency real property to the States.*
- Sec. 293. Continuation of State activities and policies.*
- Sec. 294. General program requirements.*

### *TITLE III—ADULT EDUCATION AND LITERACY*

- Sec. 301. Short title.*
- Sec. 302. Purpose.*
- Sec. 303. Definitions.*
- Sec. 304. Home schools.*
- Sec. 305. Rule of construction regarding postsecondary transition and concurrent enrollment activities.*
- Sec. 306. Authorization of appropriations.*

#### *Subtitle A—Federal Provisions*

- Sec. 311. Reservation of funds; grants to eligible agencies; allotments.*
- Sec. 312. Performance accountability system.*

#### *Subtitle B—State Provisions*

- Sec. 321. State administration.*
- Sec. 322. State distribution of funds; matching requirement.*
- Sec. 323. State leadership activities.*
- Sec. 324. State plan.*
- Sec. 325. Programs for corrections education and other institutionalized individuals.*

#### *Subtitle C—Local Provisions*

- Sec. 331. Grants and contracts for eligible providers.*
- Sec. 332. Local application.*
- Sec. 333. Local administrative cost limits.*

#### *Subtitle D—General Provisions*

- Sec. 341. Administrative provisions.*
- Sec. 342. National leadership activities.*
- Sec. 343. Integrated English literacy and civics education.*

### *TITLE IV—AMENDMENTS TO THE WAGNER-PEYSER ACT*

- Sec. 401. Employment service offices.*
- Sec. 402. Definitions.*
- Sec. 403. Federal and State employment service offices.*
- Sec. 404. Allotment of sums.*
- Sec. 405. Use of sums.*
- Sec. 406. State plan.*
- Sec. 407. Performance measures.*

*Sec. 408. Pilot projects.*

*Sec. 409. Workforce and labor market information system.*

## *TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973*

### *Subtitle A—Introductory Provisions*

*Sec. 501. References.*

*Sec. 502. Findings, purpose, policy.*

*Sec. 503. Disability Employment Services and Supports Administration.*

*Sec. 504. Definitions.*

*Sec. 505. Administration of the Act.*

*Sec. 506. Reports.*

*Sec. 507. Evaluation and information.*

*Sec. 508. Carryover.*

*Sec. 509. Traditionally underserved populations.*

### *Subtitle B—Vocational Rehabilitation Services*

*Sec. 511. Declaration of policy; authorization of appropriations.*

*Sec. 512. State plans.*

*Sec. 513. Eligibility and individualized plan for employment.*

*Sec. 514. Vocational rehabilitation services.*

*Sec. 515. State Rehabilitation Council.*

*Sec. 516. Evaluation standards and performance indicators.*

*Sec. 517. Monitoring and review.*

*Sec. 518. Training and services for employers.*

*Sec. 519. State allotments.*

*Sec. 520. Payments to States.*

*Sec. 521. Client assistance program.*

*Sec. 522. Technical assistance for quality services.*

*Sec. 523. Pre-employment transition services.*

*Sec. 524. American Indian vocational rehabilitation services.*

*Sec. 525. Vocational rehabilitation services client information.*

*Sec. 526. GAO study on interaction with the Ticket to Work and Self-Sufficiency Program.*

### *Subtitle C—Research and Training*

*Sec. 531. Purpose.*

*Sec. 532. Authorization of appropriations.*

*Sec. 533. National Institute on Disability, Independent Living, and Rehabilitation Research.*

*Sec. 534. Interagency committee.*

*Sec. 535. Research and other covered activities.*

*Sec. 536. Disability, Independent Living, and Rehabilitation Research Advisory Council.*

*Sec. 537. Definition of covered school.*

### *Subtitle D—Professional Development and Special Projects and Demonstration*

*Sec. 541. Purpose; training.*

*Sec. 542. Demonstration, training, and technical assistance programs.*

*Sec. 543. Migrant and seasonal farmworkers.*

*Sec. 544. Recreational programs.*



*Subtitle E—National Council on Disability*

- Sec. 551. Establishment.*
- Sec. 552. Report.*
- Sec. 553. Authorization of appropriations.*

*Subtitle F—Rights and Advocacy*

- Sec. 556. Interagency Committee, Board, and Council.*
- Sec. 557. Protection and advocacy of individual rights.*
- Sec. 558. Employment of individuals with disabilities at wages below minimum wage.*

*Subtitle G—Employment Opportunities for Individuals With Disabilities*

- Sec. 561. Projects With Industry.*
- Sec. 562. Authorization of appropriations.*
- Sec. 563. Supported employment services.*

*Subtitle H—Independent Living Services and Centers for Independent Living*

*CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES*

*SUBCHAPTER A—GENERAL PROVISIONS*

- Sec. 571. Purpose.*
- Sec. 572. Independent Living Administration.*
- Sec. 573. Definitions.*
- Sec. 574. State plan.*
- Sec. 575. Statewide Independent Living Council.*
- Sec. 575A. Responsibilities of the ILA Director.*

*SUBCHAPTER B—INDEPENDENT LIVING SERVICES*

- Sec. 576. Administration.*

*SUBCHAPTER C—CENTERS FOR INDEPENDENT LIVING*

- Sec. 581. Program authorization.*
- Sec. 582. Centers.*
- Sec. 583. Standards and assurances.*
- Sec. 584. Authorization of appropriations.*

*CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND*

- Sec. 586. Independent living services for older individuals who are blind.*
- Sec. 587. Program of grants.*
- Sec. 588. Independent living services for older individuals who are blind authorization of appropriations.*

*Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities*

- Sec. 591. Disability employment.*

*Subtitle J—General Provisions*

- Sec. 596. Transfer of functions to Department of Labor, and savings provisions.*

*Sec. 597. Transfer of functions to Department of Health and Human Services, and savings provisions.*

*Sec. 598. Table of contents.*

## **TITLE VI—GENERAL PROVISIONS**

### *Subtitle A—Workforce Investment*

*Sec. 601. Privacy.*

*Sec. 602. Buy-American requirements.*

*Sec. 603. Transition provisions.*

*Sec. 604. Reduction of reporting burdens and requirements.*

*Sec. 605. Effective dates.*

### *Subtitle B—Amendments to Other Laws*

*Sec. 611. Repeal of the Workforce Investment Act of 1998.*

*Sec. 612. Conforming amendments.*

*Sec. 613. References.*

## **1 SEC. 2. PURPOSES.**

2       *The purposes of this Act are the following:*

3               *(1) To increase, for individuals in the United*  
 4       *States, particularly those individuals with barriers to*  
 5       *employment, access to and opportunities for the em-*  
 6       *ployment, education, training, and support services*  
 7       *they need to succeed in the labor market.*

8               *(2) To support the alignment of workforce invest-*  
 9       *ment, education, and economic development systems*  
 10       *in support of a comprehensive, accessible, and high-*  
 11       *quality workforce development system in the United*  
 12       *States.*

13               *(3) To improve the quality and labor market rel-*  
 14       *evance of workforce investment, education, and eco-*  
 15       *nomics development efforts to provide America's work-*  
 16       *ers with the skills and credentials necessary to secure*  
 17       *and advance in employment with family-sustaining*

1        *wages and to provide America’s employers with the*  
 2        *skilled workers the employers need to succeed in a*  
 3        *global economy.*

4            *(4) To promote improvement in the structure of*  
 5        *and delivery of services through the United States*  
 6        *workforce development system to better address the*  
 7        *employment and skill needs of—*

8            *(A) workers and jobseekers; and*

9            *(B) employers.*

10          *(5) To increase the prosperity of workers and*  
 11        *employers in the United States, the economic growth*  
 12        *of communities, regions, and States, and the global*  
 13        *competitiveness of the United States.*

## 14        ***TITLE I—SYSTEM ALIGNMENT*** 15        ***AND INNOVATION***

### 16        ***SEC. 101. DEFINITIONS.***

17          *In this Act, and the core program provisions that are*  
 18        *not in this Act, except as otherwise expressly provided:*

19            *(1) ADULT.—Except as otherwise specified in*  
 20        *section 232, the term “adult” means an individual*  
 21        *who is age 18 or older.*

22            *(2) ADULT EDUCATION; ADULT EDUCATION AND*  
 23        *LITERACY ACTIVITIES.—The terms “adult education”*  
 24        *and “adult education and literacy activities” have the*  
 25        *meanings given the terms in section 303.*

1           (3) *AREA CAREER AND TECHNICAL EDUCATION*  
 2           *SCHOOL.*—*The term “area career and technical edu-*  
 3           *cation school” has the meaning given the term in sec-*  
 4           *tion 3 of the Carl D. Perkins Career and Technical*  
 5           *Education Act of 2006 (20 U.S.C. 2302).*

6           (4) *BASIC SKILLS DEFICIENT.*—*The term “basic*  
 7           *skills deficient” means, with respect to an indi-*  
 8           *vidual—*

9                     (A) *who is a youth, that the individual has*  
 10                    *English reading, writing, or computing skills at*  
 11                    *or below the 8th grade level on a generally ac-*  
 12                    *cepted standardized test; or*

13                   (B) *who is a youth or adult, that the indi-*  
 14                    *vidual is unable to compute or solve problems, or*  
 15                    *read, write, or speak English, at a level nec-*  
 16                    *essary to function on the job, in the individual’s*  
 17                    *family, or in society.*

18           (5) *CAREER AND TECHNICAL EDUCATION.*—*The*  
 19           *term “career and technical education” has the mean-*  
 20           *ing given the term in section 3 of the Carl D. Perkins*  
 21           *Career and Technical Education Act of 2006 (20*  
 22           *U.S.C. 2302).*

23           (6) *CAREER PATHWAY.*—

24                    (A) *IN GENERAL.*—*The term “career path-*  
 25                    *way” means a set of rigorous, engaging, and*

1        *high-quality education, training, and other serv-*  
 2        *ices to prepare individuals to meet a set of ca-*  
 3        *reer-related objectives as referenced in subpara-*  
 4        *graph (C).*

5                *(B) SERVICES.—The services referred to in*  
 6        *subparagraph (A) shall be—*

7                        *(i) aligned with the skill needs of in-*  
 8                        *dustries in the State or regional economy*  
 9                        *involved; and*

10                      *(ii) designed to increase an individ-*  
 11                      *ual’s educational and skill attainment, and*  
 12                      *improve the individual’s employment out-*  
 13                      *comes and ability to meet career-related ob-*  
 14                      *jectives, by—*

15                                *(I) preparing individuals for the*  
 16                                *full range of secondary or postsec-*  
 17                                *ondary education options, including*  
 18                                *apprenticeships registered under the*  
 19                                *Act of August 16, 1937 (commonly*  
 20                                *known as the “National Apprentice-*  
 21                                *ship Act”; 50 Stat. 664, chapter 663;*  
 22                                *29 U.S.C. 50 et seq.) (referred to indi-*  
 23                                *vidually in this Act as an “apprentice-*  
 24                                *ship”, except in section 272);*

1                   (II) including counseling to sup-  
2                   port individuals in achieving their  
3                   education and career goals;

4                   (III) including, as appropriate  
5                   for an individual, education offered  
6                   concurrently with and in the same con-  
7                   text as workforce preparation activities  
8                   and training for a specific occupation  
9                   or occupational cluster; and

10                  (IV) organizing education, train-  
11                  ing, and other services to meet the par-  
12                  ticular needs of the individual in a  
13                  manner that accelerates the edu-  
14                  cational and career advancement of the  
15                  individual to the extent practicable.

16                  (C) OBJECTIVES.—The objectives referred to  
17                  in subparagraph (A) include—

18                   (i) enabling a worker to attain a sec-  
19                   ondary school diploma or its recognized  
20                   equivalent, and at least 1 recognized post-  
21                   secondary credential; and

22                   (ii) helping a worker enter or advance  
23                   within a specific occupation or occupational  
24                   cluster.

1           (7) *CAREER PLANNING.*—*The term “career plan-*  
 2           *ning” means the provision of a client-centered ap-*  
 3           *proach in the delivery of services, designed—*

4                   (A) *to prepare and coordinate comprehen-*  
 5                   *sive employment plans, such as service strategies,*  
 6                   *for participants to ensure access to necessary*  
 7                   *workforce investment activities and supportive*  
 8                   *services, using, where feasible, computer-based*  
 9                   *technologies; and*

10                  (B) *to provide job, education, and career*  
 11                  *counseling, as appropriate during program par-*  
 12                  *ticipation and after job placement.*

13           (8) *CHIEF ELECTED OFFICIAL.*—*The term “chief*  
 14           *elected official” means—*

15                   (A) *the chief elected executive officer of a*  
 16                   *unit of general local government in a local area;*  
 17                   *and*

18                   (B) *in a case in which a local area includes*  
 19                   *more than 1 unit of general local government,*  
 20                   *the individuals designated under the agreement*  
 21                   *described in section 117(c)(1)(B).*

22           (9) *COMMUNITY-BASED ORGANIZATION.*—*The*  
 23           *term “community-based organization” means a pri-*  
 24           *vate nonprofit organization (which may include a*  
 25           *faith-based organization), that is representative of a*

1        *community or a significant segment of a community*  
 2        *and that has demonstrated expertise and effectiveness*  
 3        *in the field of workforce development.*

4            (10) *COMPETITIVE INTEGRATED EMPLOYMENT.*—  
 5        *The term “competitive integrated employment” has*  
 6        *the meaning given the term in section 7 of the Reha-*  
 7        *bilitation Act of 1973 (29 U.S.C. 705), for individ-*  
 8        *uals with disabilities.*

9            (11) *CORE PROGRAM.*—*The term “core pro-*  
 10        *grams” means a program authorized under a core*  
 11        *program provision.*

12            (12) *CORE PROGRAM PROVISION.*—*The term*  
 13        *“core program provision” means—*

14            (A) *chapters 2 and 3 of subtitle B of title*  
 15        *II (relating to youth workforce investment activi-*  
 16        *ties and adult and dislocated worker employment*  
 17        *and training activities);*

18            (B) *title III (relating to adult education*  
 19        *and literacy activities);*

20            (C) *sections 1 through 13 of the Wagner-*  
 21        *Peyser Act (29 U.S.C. 49 et seq.) (relating to em-*  
 22        *ployment services); and*

23            (D) *title I of the Rehabilitation Act of 1973*  
 24        *(29 U.S.C. 720 et seq.), other than section 112 or*



1           *part C of that title (29 U.S.C. 732, 741) (relat-*  
 2           *ing to vocational rehabilitation services).*

3           (13) *CUSTOMIZED TRAINING.*—*The term “cus-*  
 4           *tomized training” means training—*

5                   *(A) that is designed to meet the specific re-*  
 6                   *quirements of an employer (including a group of*  
 7                   *employers);*

8                   *(B) that is conducted with a commitment*  
 9                   *by the employer to employ an individual upon*  
 10                   *successful completion of the training; and*

11                   *(C) for which the employer pays—*

12                           *(i) a significant portion of the cost of*  
 13                           *training, as determined by the local board*  
 14                           *involved, taking into account the size of the*  
 15                           *employer and such other factors as the local*  
 16                           *board determines to be appropriate, which*  
 17                           *may include the number of employees par-*  
 18                           *ticipating in training, wage and benefit lev-*  
 19                           *els of those employees (at present and an-*  
 20                           *ticipated upon completion of the training),*  
 21                           *relation of the training to the competitive-*  
 22                           *ness of a participant, and other employer-*  
 23                           *provided training and advancement oppor-*  
 24                           *tunities; and*

1                   (ii) in the case of customized training  
 2                   (as defined in subparagraphs (A) and (B))  
 3                   involving an employer located in multiple  
 4                   local areas in the State, a significant por-  
 5                   tion of the cost of the training, as deter-  
 6                   mined by the Governor of the State, taking  
 7                   into account the size of the employer and  
 8                   such other factors as the Governor deter-  
 9                   mines to be appropriate.

10           (14) *DISLOCATED WORKER.*—The term “dis-  
 11           located worker” means an individual who—

12                   (A)(i) has been terminated or laid off, or  
 13                   who has received a notice of termination or lay-  
 14                   off, from employment;

15                   (ii)(I) is eligible for or has exhausted enti-  
 16                   tlement to unemployment compensation; or

17                   (II) has been employed for a duration suffi-  
 18                   cient to demonstrate, to the appropriate entity at  
 19                   a one-stop center referred to in section 221(e),  
 20                   attachment to the workforce, but is not eligible  
 21                   for unemployment compensation due to insuffi-  
 22                   cient earnings or having performed services for  
 23                   an employer that were not covered under a State  
 24                   unemployment compensation law; and

1           *(iii) is unlikely to return to a previous in-*  
2           *dustry or occupation;*

3           *(B)(i) has been terminated or laid off, or*  
4           *has received a notice of termination or layoff,*  
5           *from employment as a result of any permanent*  
6           *closure of, or any substantial layoff at, a plant,*  
7           *facility, or enterprise;*

8           *(ii) is employed at a facility at which the*  
9           *employer has made a general announcement that*  
10          *such facility will close within 180 days; or*

11          *(iii) for purposes of eligibility to receive*  
12          *services other than training services described in*  
13          *section 234(c)(4), intensive services described in*  
14          *section 234(c)(3), or supportive services, is em-*  
15          *ployed at a facility at which the employer has*  
16          *made a general announcement that such facility*  
17          *will close;*

18          *(C) was self-employed (including employ-*  
19          *ment as a farmer, a rancher, or a fisherman) but*  
20          *is unemployed as a result of general economic*  
21          *conditions in the community in which the indi-*  
22          *vidual resides or because of natural disasters;*

23          *(D) is a displaced homemaker; or*

24          *(E)(i) is the spouse of a member of the*  
25          *Armed Forces on active duty (as defined in sec-*

tion 101(d)(1) of title 10, United States Code),  
and who has experienced a loss of employment as  
a direct result of relocation to accommodate a  
permanent change in duty station of such mem-  
ber; or

(ii) is the spouse of a member of the Armed  
Forces on active duty and who meets the criteria  
described in paragraph (15)(B).

(15) *DISPLACED HOMEMAKER.*—The term “dis-  
placed homemaker” means an individual who has  
been providing unpaid services to family members in  
the home and who—

(A)(i) has been dependent on the income of  
another family member but is no longer sup-  
ported by that income;

(ii) is the dependent spouse of a member of  
the Armed Forces on active duty (as defined in  
section 101(d)(1) of title 10, United States Code)  
and whose family income is significantly re-  
duced because of a deployment (as defined in sec-  
tion 991(b) of title 10, United States Code, or  
pursuant to paragraph (4) of such section), a  
call or order to active duty pursuant to a provi-  
sion of law referred to in section 101(a)(13)(B)  
of title 10, United States Code, a permanent

1        *change of station, or the service-connected (as de-*  
 2        *finied in section 101(16) of title 38, United*  
 3        *States Code) death or disability of the member;*  
 4        *or*

5                *(iii) is a parent whose youngest dependent*  
 6        *child will become ineligible to receive assistance*  
 7        *under part A of title IV of the Social Security*  
 8        *Act (42 U.S.C. 601 et seq.) not later than 2*  
 9        *years after the date on which the parent applies*  
 10       *for assistance under such title; and*

11               *(B) is unemployed or underemployed and is*  
 12        *experiencing difficulty in obtaining or upgrad-*  
 13        *ing employment.*

14        *(16) ECONOMIC DEVELOPMENT AGENCY.—The*  
 15        *term “economic development agency” includes a local*  
 16        *planning or zoning commission or board, a commu-*  
 17        *nity development agency, and another local agency or*  
 18        *institution responsible for regulating, promoting, or*  
 19        *assisting in local economic development.*

20        *(17) ECONOMIC SELF-SUFFICIENCY.—The term*  
 21        *“economic self-sufficiency” means economic self-suffi-*  
 22        *ciency within the meaning of subsections*  
 23        *(a)(3)(A)(xii) and (d)(1)(A)(xii) of section 234.*

1           (18) *ELIGIBLE YOUTH*.—*Except as provided in*  
 2           *subtitles C and D of title II, the term “eligible youth”*  
 3           *means an in-school youth or out-of-school youth.*

4           (19) *EMPLOYMENT AND TRAINING ACTIVITY*.—  
 5           *The term “employment and training activity” means*  
 6           *an activity described in section 234 that is carried*  
 7           *out for an adult or dislocated worker.*

8           (20) *ENGLISH LANGUAGE ACQUISITION PRO-*  
 9           *GRAM*.—*The term “English language acquisition pro-*  
 10          *gram” has the meaning given the term in section 303.*

11          (21) *ENGLISH LANGUAGE LEARNER*.—*The term*  
 12          *“English language learner” has the meaning given*  
 13          *the term in section 303.*

14          (22) *GOVERNOR*.—*The term “Governor” means*  
 15          *the chief executive of a State or an outlying area.*

16          (23) *IN-DEMAND INDUSTRY SECTOR OR OCCUPA-*  
 17          *TION*.—

18                (A) *IN GENERAL*.—*The term “in-demand*  
 19                *industry sector or occupation” means—*

20                    (i) *an industry sector that has a sub-*  
 21                    *stantial current or potential impact (in-*  
 22                    *cluding through jobs that lead to economic*  
 23                    *self-sufficiency and opportunities for ad-*  
 24                    *vancement) on the State, regional, or local*  
 25                    *economy, as appropriate, and that contrib-*

1            *utes to the growth or stability of other sup-*  
 2            *porting businesses, or the growth of other*  
 3            *industry sectors; or*

4            *(ii) an occupation that currently has*  
 5            *or is projected to have a number of posi-*  
 6            *tions (including positions that lead to eco-*  
 7            *nomie self-sufficiency and opportunities for*  
 8            *advancement) in an industry sector so as to*  
 9            *have a significant impact on the State, re-*  
 10           *gional, or local economy, as appropriate.*

11           *(B) DETERMINATION.—The determination*  
 12           *of whether an industry sector or occupation is*  
 13           *in-demand under this paragraph shall be made*  
 14           *by the State board or local board, as appro-*  
 15           *priate, using State and regional business and*  
 16           *labor market projections, including the use of*  
 17           *labor market information.*

18           *(24) INDIVIDUAL WITH A BARRIER TO EMPLOY-*  
 19           *MENT.—The term “individual with a barrier to em-*  
 20           *ployment” means a member of 1 or more of the fol-*  
 21           *lowing populations:*

22           *(A) Displaced homemakers.*

23           *(B) Low-income individuals.*

1           (C) *Indians, Alaska Natives, and Native*  
2           *Hawaiians, as such terms are defined in section*  
3           266.

4           (D) *Individuals with disabilities, including*  
5           *youth who are individuals with disabilities.*

6           (E) *Older individuals.*

7           (F) *Ex-offenders.*

8           (G) *Homeless individuals (as defined in sec-*  
9           *tion 41403(6) of the Violence Against Women Act*  
10           *of 1994 (42 U.S.C. 14043e-2(6)), except that*  
11           *clauses (i)(IV) and (iii) of subparagraph (B) of*  
12           *such section shall not apply), or homeless chil-*  
13           *dren and youths (as defined in section 725(2) of*  
14           *the McKinney-Vento Homeless Assistance Act (42*  
15           *U.S.C. 11434a(2)), except that subparagraph*  
16           *(B)(iv) of such section shall not apply).*

17           (H) *Youth who are in or have aged out of*  
18           *the foster care system.*

19           (I) *Individuals who are English language*  
20           *learners, individuals who have low levels of lit-*  
21           *eracy, and individuals facing substantial cul-*  
22           *tural barriers.*

23           (J) *Eligible migrant and seasonal farm-*  
24           *workers, as defined in section 267(i).*



1           (K) *Individuals within 2 years of exhaust-*  
 2           *ing lifetime eligibility under part A of title IV*  
 3           *of the Social Security Act (42 U.S.C. 601 et*  
 4           *seq.).*

5           (L) *Single parents (including single preg-*  
 6           *nant women).*

7           (M) *Such other groups as the Governor in-*  
 8           *volved determines to have barriers to employ-*  
 9           *ment.*

10       (25) *INDIVIDUAL WITH A DISABILITY.—*

11           (A) *IN GENERAL.—The term “individual*  
 12           *with a disability” means an individual with a*  
 13           *disability as defined in section 3 of the Ameri-*  
 14           *cans with Disabilities Act of 1990 (42 U.S.C.*  
 15           *12102).*

16           (B) *INDIVIDUALS WITH DISABILITIES.—The*  
 17           *term “individuals with disabilities” means more*  
 18           *than 1 individual with a disability.*

19       (26) *INDUSTRY OR SECTOR PARTNERSHIP.—The*  
 20           *term “industry or sector partnership” means a work-*  
 21           *force collaborative, convened by or acting in partner-*  
 22           *ship with a State board or local board, that—*

23           (A) *organizes key stakeholders in an indus-*  
 24           *try cluster into a working group that focuses on*  
 25           *the shared goals and human resources needs of*

1        *the industry cluster and that includes, at the ap-*  
2        *propriate stage of development of the partner-*  
3        *ship—*

4                *(i) representatives of multiple busi-*  
5                *nesses or other employers in the industry*  
6                *cluster, including small and medium-sized*  
7                *employers when practicable;*

8                *(ii) 1 or more representatives of a rec-*  
9                *ognized State labor organization or central*  
10               *labor council, or another labor representa-*  
11               *tive, as appropriate; and*

12               *(iii) 1 or more representatives of an*  
13               *institution of higher education with, or an-*  
14               *other provider of, education or training pro-*  
15               *grams that support the industry cluster;*  
16               *and*

17        *(B) may include representatives of—*

18               *(i) State or local government;*

19               *(ii) State or local economic develop-*  
20               *ment agencies;*

21               *(iii) State boards or local boards, as*  
22               *appropriate;*

23               *(iv) a State workforce agency or other*  
24               *entity providing employment services;*

25               *(v) other State or local agencies;*

- 1                   (vi) business or trade associations;
- 2                   (vii) economic development organiza-
- 3                   tions;
- 4                   (viii) nonprofit organizations, commu-
- 5                   nity-based organizations, or intermediaries;
- 6                   (ix) philanthropic organizations;
- 7                   (x) industry associations; and
- 8                   (xi) other organizations, as determined
- 9                   to be necessary by the members comprising
- 10                  the industry or sector partnership.

11               (27) *IN-SCHOOL YOUTH*.—The term “in-school

12               youth” means a youth described in section

13               229(a)(1)(C).

14               (28) *INSTITUTION OF HIGHER EDUCATION*.—The

15               term “institution of higher education” has the mean-

16               ing given the term in section 101, and subparagraphs

17               (A) and (B) of section 102(a)(1), of the Higher Edu-

18               cation Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

19               (29) *INTEGRATED EDUCATION AND TRAINING*.—

20               The term “integrated education and training” has the

21               meaning given the term in section 303.

22               (30) *LABOR MARKET AREA*.—The term “labor

23               market area” means an economically integrated geo-

24               graphic area within which individuals can reside and

25               find employment within a reasonable distance or can

1        *readily change employment without changing their*  
 2        *place of residence. Such an area shall be identified in*  
 3        *accordance with criteria used by the Bureau of Labor*  
 4        *Statistics of the Department of Labor in defining*  
 5        *such areas or similar criteria established by a Gov-*  
 6        *ernor.*

7            (31) *LITERACY.*—*The term “literacy” has the*  
 8        *meaning given the term in section 303.*

9            (32) *LOCAL AREA.*—*The term “local area”*  
 10        *means a local workforce investment area designated*  
 11        *under section 116, subject to sections 116(c)(1)(A)(v),*  
 12        *117(c)(4)(B)(i), and 289(i).*

13            (33) *LOCAL BOARD.*—*The term “local board”*  
 14        *means a local workforce development board estab-*  
 15        *lished under section 117, subject to section*  
 16        *117(c)(4)(B)(i).*

17            (34) *LOCAL EDUCATIONAL AGENCY.*—*The term*  
 18        *“local educational agency” has the meaning given the*  
 19        *term in section 9101 of the Elementary and Sec-*  
 20        *ondary Education Act of 1965 (20 U.S.C. 7801).*

21            (35) *LOCAL PLAN.*—*The term “local plan”*  
 22        *means a plan submitted under section 118, subject to*  
 23        *section 116(c)(1)(A)(v).*

24            (36) *LOW-INCOME INDIVIDUAL.*—*The term “low-*  
 25        *income individual” means an individual who—*

1           (A) receives, or in the past 6 months has re-  
2           ceived, or is a member of a family that is receiv-  
3           ing or in the past 6 months has received, assist-  
4           ance through the supplemental nutrition assist-  
5           ance program established under the Food and  
6           Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the  
7           program of block grants to States for temporary  
8           assistance for needy families program under part  
9           A of title IV of the Social Security Act (42  
10          U.S.C. 601 et seq.), or the supplemental security  
11          income program established under title XVI of  
12          the Social Security Act (42 U.S.C. 1381 et seq.),  
13          or State or local income-based public assistance;

14          (B) is in a family with gross income below  
15          150 percent of the poverty line;

16          (C) is a homeless individual (as defined in  
17          section 41403(6) of the Violence Against Women  
18          Act of 1994 (42 U.S.C. 14043e-2(6)), except that  
19          clauses (i)(IV) and (iii) of subparagraph (B) of  
20          such section shall not apply), or a homeless child  
21          or youth (as defined under section 725(2) of the  
22          McKinney-Vento Homeless Assistance Act (42  
23          U.S.C. 11434a(2)), except that subparagraph  
24          (B)(iv) of such section shall not apply);

1           (D) receives or is eligible to receive a free or  
 2           reduced price lunch under the Richard B. Russell  
 3           National School Lunch Act (42 U.S.C. 1751 et  
 4           seq.);

5           (E) is a foster child on behalf of whom  
 6           State or local government payments are made; or

7           (F) is an individual with a disability whose  
 8           own income meets the income requirement of  
 9           subparagraph (B), but who is a member of a  
 10          family whose income does not meet this require-  
 11          ment.

12          (37) NONTRADITIONAL EMPLOYMENT.—The term  
 13          “nontraditional employment” refers to occupations or  
 14          fields of work, for which individuals from the gender  
 15          involved comprise less than 25 percent of the individ-  
 16          uals employed in each such occupation or field of  
 17          work.

18          (38) OFFENDER.—The term “offender” means an  
 19          adult or juvenile—

20               (A) who is or has been subject to any stage  
 21               of the criminal justice process, and for whom  
 22               services under this Act may be beneficial; or

23               (B) who requires assistance in overcoming  
 24               artificial barriers to employment resulting from  
 25               a record of arrest or conviction.

1           (39) *OLDER INDIVIDUAL*.—The term “older indi-  
2           vidual” means an individual age 55 or older.

3           (40) *ONE-STOP CENTER*.—The term “one-stop  
4           center” means a center described in section 221(e)(2).

5           (41) *ONE-STOP OPERATOR*.—The term “one-stop  
6           operator” means 1 or more entities designated or cer-  
7           tified under section 221(d).

8           (42) *ONE-STOP PARTNER*.—The term “one-stop  
9           partner” means—

10                   (A) an entity described in section 221(b)(1);

11                   and

12                   (B) an entity described in section 221(b)(2)

13                   that is participating, with the approval of the  
14                   local board and chief elected official, in the oper-  
15                   ation of a one-stop delivery system.

16           (43) *ONE-STOP PARTNER PROGRAM*.—The term  
17           “one-stop partner program” means a program or ac-  
18           tivities described in section 221(b) of a one-stop part-  
19           ner.

20           (44) *ON-THE-JOB TRAINING*.—The term “on-the-  
21           job training” means training by an employer that is  
22           provided to a paid participant while engaged in pro-  
23           ductive work in a job that—

24                   (A) provides knowledge or skills essential to  
25                   the full and adequate performance of the job;

1           (B) is made available through a program  
 2           that provides reimbursement to the employer of  
 3           up to 50 percent of the wage rate of the partici-  
 4           pant, except as provided in section 234(c)(4)(H),  
 5           for the extraordinary costs of providing the  
 6           training and additional supervision related to  
 7           the training; and

8           (C) is limited in duration as appropriate to  
 9           the occupation for which the participant is being  
 10          trained, taking into account the content of the  
 11          training, the prior work experience of the partici-  
 12          pant, and the service strategy of the partici-  
 13          pant, as appropriate.

14          (45) OUTLYING AREA.—The term “outlying  
 15          area” means—

16               (A) American Samoa, Guam, the Common-  
 17               wealth of the Northern Mariana Islands, and the  
 18               United States Virgin Islands; and

19               (B) the Republic of Palau, except during  
 20               any period for which the Secretary of Labor and  
 21               the Secretary of Education determine that a  
 22               Compact of Free Association is in effect and con-  
 23               tains provisions for training and education as-  
 24               sistance prohibiting the assistance provided  
 25               under this Act.



1           (46) *OUT-OF-SCHOOL YOUTH*.—The term “out-of-  
 2       school youth” means a youth described in section  
 3       229(a)(1)(B).

4           (47) *PLANNING REGION*.—The term “planning  
 5       region” means a planning region as described in sec-  
 6       tion 116(c)(1)(A)(ii)(II).

7           (48) *POVERTY LINE*.—The term “poverty line”  
 8       means the poverty line (as defined by the Office of  
 9       Management and Budget, and revised annually in ac-  
 10      cordance with section 673(2) of the Community Serv-  
 11      ices Block Grant Act (42 U.S.C. 9902(2))) applicable  
 12      to a family of the size involved.

13          (49) *PUBLIC ASSISTANCE*.—The term “public as-  
 14      sistance” means Federal, State, or local government  
 15      cash payments for which eligibility is determined by  
 16      a needs or income test.

17          (50) *RAPID RESPONSE ACTIVITY*.—The term  
 18      “rapid response activity” means an activity provided  
 19      by a State, or by an entity designated by a State,  
 20      with funds provided by the State under section  
 21      234(a)(1)(A), in the case of a permanent closure or  
 22      mass layoff at a plant, facility, or enterprise, or a  
 23      natural or other disaster, that results in mass job dis-  
 24      location, in order to assist dislocated workers in ob-

1        *taining reemployment as soon as possible, with serv-*  
2        *ices including—*

3                *(A) the establishment of onsite contact with*  
4        *employers and employee representatives—*

5                    *(i) immediately after the State is noti-*  
6        *fied of a current or projected permanent clo-*  
7        *sure or mass layoff; or*

8                    *(ii) in the case of a disaster, imme-*  
9        *diately after the State is made aware of*  
10       *mass job dislocation as a result of such dis-*  
11       *aster;*

12                *(B) the provision of information on and ac-*  
13       *cess to available employment and training ac-*  
14       *tivities;*

15                *(C) assistance in establishing a labor-man-*  
16       *agement committee, voluntarily agreed to by*  
17       *labor and management, with the ability to devise*  
18       *and implement a strategy for assessing the em-*  
19       *ployment and training needs of dislocated work-*  
20       *ers and obtaining services to meet such needs;*

21                *(D) the provision of emergency assistance*  
22       *adapted to the particular closure, layoff, or dis-*  
23       *aster; and*

24                *(E) the provision of assistance to the local*  
25       *community in developing a coordinated response*

1           *and in obtaining access to State economic devel-*  
 2           *opment assistance.*

3           (51) *RECOGNIZED POSTSECONDARY CREDEN-*  
 4           *TIAL.—The term “recognized postsecondary creden-*  
 5           *tial” means a credential consisting of an industry-*  
 6           *recognized certificate or certification, a certificate of*  
 7           *completion of an apprenticeship, a license recognized*  
 8           *by the State involved or Federal Government, or an*  
 9           *associate or baccalaureate degree.*

10          (52) *REGION.—The term “region”, used without*  
 11          *further description, means a region identified under*  
 12          *section 116(c), subject to section 117(c)(4)(B)(i).*

13          (53) *SCHOOL DROPOUT.—The term “school drop-*  
 14          *out” means an individual who is no longer attending*  
 15          *any school and who has not received a secondary*  
 16          *school diploma or its recognized equivalent.*

17          (54) *SECONDARY SCHOOL.—The term “secondary*  
 18          *school” has the meaning given the term in section*  
 19          *9101 of the Elementary and Secondary Education*  
 20          *Act of 1965 (20 U.S.C. 7801).*

21          (55) *STATE.—The term “State” means each of*  
 22          *the several States of the United States, the District of*  
 23          *Columbia, and the Commonwealth of Puerto Rico.*

1           (56) *STATE BOARD.*—*The term “State board”*  
2           *means a State workforce development board estab-*  
3           *lished under section 111.*

4           (57) *STATE PLAN.*—*The term “State plan”, used*  
5           *without further description, means a unified plan*  
6           *under section 112 or a combined plan under section*  
7           *113.*

8           (58) *SUPPORTIVE SERVICES.*—*The term “sup-*  
9           *portive services” means services such as transpor-*  
10          *tation, child care, dependent care, housing, and needs-*  
11          *related payments, that are necessary to enable an in-*  
12          *dividual to participate in activities authorized under*  
13          *this Act.*

14          (59) *TRAINING SERVICES.*—*The term “training*  
15          *services” means services described in section*  
16          *234(c)(4).*

17          (60) *UNEMPLOYED INDIVIDUAL.*—*The term “un-*  
18          *employed individual” means an individual who is*  
19          *without a job and who wants and is available for*  
20          *work. The determination of whether an individual is*  
21          *without a job, for purposes of this paragraph, shall be*  
22          *made in accordance with the criteria used by the Bu-*  
23          *reau of Labor Statistics of the Department of Labor*  
24          *in defining individuals as unemployed.*

1           (61) *UNIT OF GENERAL LOCAL GOVERNMENT.*—  
2       *The term “unit of general local government” means*  
3       *any general purpose political subdivision of a State*  
4       *that has the power to levy taxes and spend funds, as*  
5       *well as general corporate and police powers.*

6           (62) *VETERAN; RELATED DEFINITION.*—

7           (A) *VETERAN.*—*The term “veteran” has the*  
8       *meaning given the term in section 101 of title*  
9       *38, United States Code.*

10          (B) *RECENTLY SEPARATED VETERAN.*—*The*  
11       *term “recently separated veteran” means any*  
12       *veteran who applies for participation under this*  
13       *Act within 48 months after the discharge or re-*  
14       *lease from active military, naval, or air service.*

15          (63) *VOCATIONAL REHABILITATION PROGRAM.*—  
16       *The term “vocational rehabilitation program” means*  
17       *a program authorized under a provision described in*  
18       *paragraph (12)(D).*

19          (64) *WORKFORCE DEVELOPMENT ACTIVITY.*—*The*  
20       *term “workforce development activity” means an ac-*  
21       *tivity carried out through a workforce development*  
22       *program.*

23          (65) *WORKFORCE DEVELOPMENT PROGRAM.*—  
24       *The term “workforce development program” means a*

1        *program made available through a workforce develop-*  
2        *ment system.*

3            (66) *WORKFORCE DEVELOPMENT SYSTEM.—The*  
4        *term “workforce development system” means a system*  
5        *that makes available the core programs, the other one-*  
6        *stop partner programs, and any other programs pro-*  
7        *viding employment and training services as identified*  
8        *by a State board or local board.*

9            (67) *WORKFORCE INVESTMENT ACTIVITY.—The*  
10       *term “workforce investment activity” means an em-*  
11       *ployment and training activity, and a youth work-*  
12       *force investment activity.*

13           (68) *WORKFORCE PREPARATION ACTIVITIES.—*  
14       *The term “workforce preparation activities” has the*  
15       *meaning given the term in section 303.*

16           (69) *WORKPLACE LEARNING ADVISOR.—The term*  
17       *“workplace learning advisor” means an individual*  
18       *employed by an organization who has the knowledge*  
19       *and skills necessary to advise other employees of that*  
20       *organization about the education, skill development,*  
21       *job training, career counseling services, and creden-*  
22       *tials, including services provided through the work-*  
23       *force development system, required to progress toward*  
24       *career goals of such employees in order to meet em-*

1     *ployer requirements related to job openings and career*  
 2     *advancements that support economic self-sufficiency.*

3           (70) *YOUTH WORKFORCE INVESTMENT ACTIV-*  
 4     *ITY.—The term “youth workforce investment activity”*  
 5     *means an activity described in section 229 that is*  
 6     *carried out for eligible youth (or as described in sec-*  
 7     *tion 229(a)(3)(A)).*

## 8     ***Subtitle A—Workforce Boards and*** 9           ***Plans***

### 10     ***CHAPTER 1—STATE PROVISIONS***

#### 11     ***SEC. 111. STATE WORKFORCE DEVELOPMENT BOARDS.***

12           (a) *IN GENERAL.—The Governor of a State shall estab-*  
 13     *lish a State workforce development board to carry out the*  
 14     *functions described in subsection (d).*

15           (b) *MEMBERSHIP.—*

16           (1) *IN GENERAL.—The State board shall in-*  
 17     *clude—*

18                   (A) *the Governor;*

19                   (B) *2 members of each chamber of the State*  
 20     *legislature (to the extent consistent with State*  
 21     *law), appointed by the appropriate presiding of-*  
 22     *ficers of such chamber; and*

23                   (C) *members appointed by the Governor, of*  
 24     *which—*

1                   *(i) a majority shall be representatives*  
2                   *of businesses in the State, who—*

3                   *(I) are owners of businesses, chief*  
4                   *executives or operating officers of busi-*  
5                   *nesses, or other business executives or*  
6                   *employers with optimum policymaking*  
7                   *or hiring authority, and who, in addi-*  
8                   *tion, may be members of a local board*  
9                   *described in section 117(b)(2)(A)(i);*

10                  *(II) represent businesses (includ-*  
11                  *ing small businesses), or organizations*  
12                  *representing businesses described in*  
13                  *this subclause, that provide employ-*  
14                  *ment opportunities that, at a min-*  
15                  *imum, will provide clear and accessible*  
16                  *career pathways, and include high-*  
17                  *quality, work-relevant training and de-*  
18                  *velopment in in-demand industry sec-*  
19                  *tors or occupations in the State; and*

20                  *(III) are appointed from among*  
21                  *individuals nominated by State busi-*  
22                  *ness organizations and business trade*  
23                  *associations;*



1           (ii) not less than 20 percent shall be  
2           representatives of the workforce within the  
3           State, who—

4                   (I) shall include representatives of  
5                   labor organizations, who have been  
6                   nominated by State labor federations;

7                   (II) may include representatives  
8                   of community-based organizations that  
9                   have demonstrated experience and ex-  
10                  pertise in addressing the employment,  
11                  training, or education needs of indi-  
12                  viduals with barriers to employment,  
13                  including organizations that serve vet-  
14                  erans or that provide or support com-  
15                  petitive, integrated employment for in-  
16                  dividuals with disabilities; and

17                  (III) may include representatives  
18                  of organizations that have dem-  
19                  onstrated experience and expertise in  
20                  addressing the employment, training,  
21                  or education needs of eligible youth, in-  
22                  cluding representatives of organiza-  
23                  tions that serve out-of-school youth;  
24                  and

25           (iii) the balance—

1                   (I) shall include representatives of  
2 government, who—

3                   (aa) shall include the lead  
4 State officials with primary re-  
5 sponsibility for the core programs;  
6 and

7                   (bb) shall include chief elect-  
8 ed officials (collectively rep-  
9 resenting both cities and counties,  
10 where appropriate);

11                  (II) shall include a representative,  
12 who shall be an employer, a member of  
13 a labor organization, or a staff direc-  
14 tor, from a joint labor-management  
15 apprenticeship program, or if no such  
16 joint program exists in the State, a  
17 representative of an apprenticeship  
18 program in the State; and

19                  (III) may include such other rep-  
20 resentatives and officials as the Gov-  
21 ernor may designate, such as—

22                   (aa) the State agency offi-  
23 cials from agencies that are one-  
24 stop partners not specified in sub-  
25 clause (I) (including additional

1           *one-stop partners whose programs*  
2           *are covered by the State plan, if*  
3           *any);*

4                     *(bb) State agency officials re-*  
5                     *sponsible for economic develop-*  
6                     *ment or juvenile justice programs*  
7                     *in the State;*

8                     *(cc) individuals who rep-*  
9                     *resent an Indian tribe or tribal*  
10                    *organization, as such terms are*  
11                    *defined in section 266(b); and*

12                    *(dd) State agency officials*  
13                    *responsible for education pro-*  
14                    *grams in the State, including*  
15                    *chief executive officers of commu-*  
16                    *nity colleges and other institu-*  
17                    *tions of higher education.*

18                    *(2) DIVERSE AND DISTINCT REPRESENTATION.—*  
19                    *The members of the State board shall represent di-*  
20                    *verse geographic areas of the State, including urban,*  
21                    *rural, and suburban areas.*

22                    *(3) NO REPRESENTATION OF MULTIPLE CAT-*  
23                    *EGORIES.—No person shall serve as a member for*  
24                    *more than 1 of—*

1                   (A) *the category described in paragraph*  
2                   (1)(C)(i); or

3                   (B) *1 category described in a subclause of*  
4                   *clause (ii) or (iii) of paragraph (1)(C).*

5           (c) *CHAIRPERSON.—The Governor shall select a chair-*  
6           *person for the State board from among the representatives*  
7           *described in subsection (b)(1)(C)(i).*

8           (d) *FUNCTIONS.—The State board shall assist the Gov-*  
9           *ernor in—*

10                   (1) *the development, implementation, and modi-*  
11                   *fication of the State plan, including the periodic as-*  
12                   *essment and development of recommendations re-*  
13                   *garding the implementation of the State plan;*

14                   (2) *consistent with paragraph (1), the review of*  
15                   *statewide policies and programs and development of*  
16                   *recommendations on actions that should be taken by*  
17                   *the State to align core programs and other programs*  
18                   *in the State in a manner that supports a comprehen-*  
19                   *sive State workforce development system that will re-*  
20                   *sult in meeting the workforce needs of the State, its*  
21                   *regions, and its local areas;*

22                   (3) *the review of and provision of comments on*  
23                   *the State plans, if any, for activities and programs*  
24                   *of one-stop partners that are not core programs, in*  
25                   *order to provide strategic leadership and to align to*

1     *the extent practicable such non-core programs with*  
 2     *the core programs, and with the strategy described in*  
 3     *the State plan under section 112 or 113;*

4             *(4) the development of guidance for the imple-*  
 5     *mentation and continuous improvement of a work-*  
 6     *force development system within the State that in-*  
 7     *cludes guidance on—*

8                     *(A) the identification of and means for re-*  
 9     *moving barriers to coordination of, alignment of,*  
 10    *and nonduplication among the programs and ac-*  
 11    *tivities carried out through the system;*

12                    *(B) the development of career pathways by*  
 13    *using workforce development programs aligned*  
 14    *for the purpose of providing individuals, includ-*  
 15    *ing low-skilled adults and youth, with the em-*  
 16    *ployment, training, education, and supportive*  
 17    *services the individuals need to attain the nec-*  
 18    *essary credentials to secure and advance in em-*  
 19    *ployment;*

20                    *(C) the development and expansion of strat-*  
 21    *egies for meeting the needs of workers and job-*  
 22    *seekers, and employers, including industry or*  
 23    *sector partnership initiatives relating to in-de-*  
 24    *mand industry sectors and occupations;*

1           (D) coordinating planning between the local  
2 boards and State entities carrying out relevant  
3 State-administered programs;

4           (E) the identification of regions, including  
5 planning regions, for the purposes of section  
6 116(c), after consultation with local boards and  
7 chief elected officials;

8           (F) the provision of technical assistance to  
9 local boards, one-stop partners, one-stop opera-  
10 tors, and providers, as appropriate, in local  
11 areas concerning planning and delivering serv-  
12 ices;

13           (G) strategies to support staff training and  
14 awareness across programs supported under  
15 workforce development systems in local areas;  
16 and

17           (H) the design and implementation of in-  
18 take and case management information systems  
19 (including common intake, case management,  
20 performance tracking, and reporting systems),  
21 and how local input will be incorporated into  
22 such design and implementation, to improve co-  
23 ordination of services across workforce develop-  
24 ment programs;

1           (5) *the development and update of comprehensive*  
 2           *State performance accountability measures, including*  
 3           *State adjusted levels of performance, to assess the ef-*  
 4           *fectiveness of the core programs in the State as re-*  
 5           *quired under subtitle B;*

6           (6) *the identification and dissemination of infor-*  
 7           *mation on best practices, including best practices*  
 8           *for—*

9                   (A) *the effective operation of one-stop cen-*  
 10                  *ters, relating to the use of business outreach,*  
 11                  *partnerships, and service delivery strategies (in-*  
 12                  *cluding strategies for effectively serving individ-*  
 13                  *uals with barriers to employment), and other*  
 14                  *practices relevant to workforce development; and*

15                  (B) *the development of effective local boards,*  
 16                  *which may include information on those factors*  
 17                  *that contribute to enabling local boards to exceed*  
 18                  *negotiated levels of performance, sustain fiscal*  
 19                  *integrity, and achieve other measures of effective-*  
 20                  *ness;*

21           (7) *the development and review of statewide poli-*  
 22           *cies affecting the coordinated provision of services*  
 23           *through the State's one-stop delivery system described*  
 24           *in section 221(e), including—*

1           (A) the development of objective criteria and  
2           procedures for use by local boards in assessing  
3           the effectiveness and continuous improvement of  
4           one-stop centers described in such section;

5           (B) the development of guidance for the al-  
6           location of one-stop center infrastructure funds  
7           under section 221(h);

8           (C) the development of—

9           (i) statewide policies relating to the  
10          appropriate roles and contributions of enti-  
11          ties carrying out one-stop partner programs  
12          within the one-stop delivery system, includ-  
13          ing approaches to facilitating equitable and  
14          efficient cost allocation in the one-stop de-  
15          livery system;

16          (ii) strategies for providing effective  
17          outreach to and improved access for indi-  
18          viduals and employers who could benefit  
19          from services provided through the one-stop  
20          delivery system;

21          (iii) strategies for technological im-  
22          provements to facilitate access to, and im-  
23          prove the quality of, services provided  
24          through the one-stop delivery system (in-  
25          cluding access for individuals with disabil-



1            *ities and individuals residing in remote*  
 2            *areas), which strategies may be utilized*  
 3            *throughout the State; and*

4            *(iv) strategies for aligning technology*  
 5            *and data systems across one-stop partner*  
 6            *programs, to enhance service delivery and*  
 7            *improve efficiencies in reporting on per-*  
 8            *formance accountability measures; and*

9            *(D) the development of such other policies*  
 10          *as may promote statewide objectives for, and en-*  
 11          *hance the performance of, the one-stop delivery*  
 12          *system;*

13          *(8) the development of allocation formulas for the*  
 14          *distribution of funds for employment and training ac-*  
 15          *tivities for adults, and youth workforce investment ac-*  
 16          *tivities, to local areas as permitted under sections*  
 17          *228(b)(3) and 233(b)(3);*

18          *(9) the preparation of the annual reports de-*  
 19          *scribed in paragraphs (1) and (2) of section 131(d);*  
 20          *and*

21          *(10) the development of the statewide workforce*  
 22          *and labor market information system described in*  
 23          *section 15(e) of the Wagner-Peyser Act (29 U.S.C.*  
 24          *49l-2(e)).*

25          *(e) ALTERNATIVE ENTITY.—*

1           (1) *IN GENERAL.*—*For the purposes of complying*  
2           *with subsections (a), (b), and (c), a State may use*  
3           *any State entity (including a State council, State*  
4           *workforce development board (within the meaning of*  
5           *the Workforce Investment Act of 1998, as in effect on*  
6           *the day before the date of enactment of this Act), com-*  
7           *bination of regional workforce development boards, or*  
8           *similar entity) that—*

9                   (A) *was in existence on the day before the*  
10                  *date of enactment of the Workforce Investment*  
11                  *Act of 1998;*

12                  (B) *is substantially similar to the State*  
13                  *board described in subsections (a) through (c);*  
14                  *and*

15                  (C) *includes representatives of business in*  
16                  *the State and representatives of labor organiza-*  
17                  *tions in the State.*

18           (2) *REFERENCES.*—*A reference in this Act, or a*  
19           *core program provision that is not in this Act, to a*  
20           *State board shall be considered to include such an en-*  
21           *tity.*

22           (f) *CONFLICT OF INTEREST.*—*A member of a State*  
23           *board may not—*

24                   (1) *vote on a matter under consideration by the*  
25                  *State board—*

1           (A) regarding the provision of services by  
 2           such member (or by an entity that such member  
 3           represents); or

4           (B) that would provide direct financial ben-  
 5           efit to such member or the immediate family of  
 6           such member; or

7           (2) engage in any other activity determined by  
 8           the Governor to constitute a conflict of interest as  
 9           specified in the State plan.

10       (g) *SUNSHINE PROVISION.*—The State board shall  
 11       make available to the public, on a regular basis through  
 12       open meetings, information regarding the activities of the  
 13       State board, including information regarding the State  
 14       plan, or a modification to the State plan, prior to submis-  
 15       sion of the plan or modification of the plan, respectively,  
 16       information regarding membership, and, on request, min-  
 17       utes of formal meetings of the State board.

18       (h) *AUTHORITY TO HIRE STAFF.*—

19           (1) *IN GENERAL.*—The State board may hire a  
 20       director and other staff to assist in carrying out the  
 21       functions described in subsection (d) using funds  
 22       available as described in section 229(b)(2) or  
 23       234(a)(3)(B)(i).

24           (2) *LIMITATION ON RATE.*—The director and  
 25       staff described in paragraph (1) shall be subject to the

1        *limitations on the payment of salary and bonuses de-*  
 2        *scribed in section 294(15).*

3    **SEC. 112. UNIFIED STATE PLAN.**

4        (a) *PLAN.*—*For a State to be eligible to receive allot-*  
 5        *ments for the core programs, the Governor shall submit to*  
 6        *the Secretary of Labor and the Secretary of Education for*  
 7        *consideration by the Secretaries, a unified State plan. The*  
 8        *unified State plan shall outline a 4-year strategy for the*  
 9        *core programs of the State and meet the requirements of*  
 10       *this section.*

11       (b) *CONTENTS.*—

12                (1) *STRATEGIC PLANNING ELEMENTS.*—*The uni-*  
 13        *fied State plan shall include strategic planning ele-*  
 14        *ments consisting of—*

15                        (A) *an analysis of the economic conditions*  
 16                        *in the State, including—*

17                                (i) *existing and emerging in-demand*  
 18                                *industry sectors and occupations; and*

19                                (ii) *the employment needs of employers*  
 20                                *in those industries and occupations;*

21                        (B) *an analysis of the knowledge and skills*  
 22                        *needed to meet the employment needs of the em-*  
 23                        *ployers in the State, including employment needs*  
 24                        *in in-demand industry sectors and occupations;*

1           (C) an analysis of the workforce in the  
2           State, including current labor force employment  
3           and unemployment data, and information on  
4           labor market trends, and the educational and  
5           skill levels of the workforce, including individ-  
6           uals with barriers to employment (including in-  
7           dividuals with disabilities);

8           (D) an analysis of the workforce develop-  
9           ment activities (including education and train-  
10          ing) in the State, including an analysis of the  
11          strengths and weaknesses of such services, and  
12          the capacity of State entities to provide such  
13          services, in order to address the identified edu-  
14          cation and skill needs of the workforce and the  
15          employment needs of employers in the State;

16          (E) a description of the State's strategic vi-  
17          sion and goals for preparing an educated and  
18          skilled workforce (including preparing youth and  
19          individuals with barriers to employment) and  
20          for meeting the skilled workforce needs of employ-  
21          ers, including goals relating to performance ac-  
22          countability measures based on primary indica-  
23          tors of performance described in section  
24          131(b)(2)(A), in order to support economic  
25          growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (E).

(2) OPERATIONAL PLANNING ELEMENTS.—

(A) IN GENERAL.—The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(F).

(B) IMPLEMENTATION OF STATE STRATEGY.—The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(F), including a description of—

(i) the activities that will be funded by the entities carrying out the respective programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs;

(ii) how the activities described in clause (i) will be aligned with activities

1           *provided under employment, training, edu-*  
 2           *cation, including career and technical edu-*  
 3           *cation, and human services programs not*  
 4           *covered by the plan, as appropriate, to as-*  
 5           *sist in implementing the strategy, including*  
 6           *coordinating intake, eligibility determina-*  
 7           *tions, and assessment activities;*

8                     *(iii)(I) how the entities carrying out*  
 9                     *the respective core programs will coordinate*  
 10                    *activities to provide comprehensive, high-*  
 11                    *quality services to individuals, including*  
 12                    *using co-enrollment and other strategies;*

13                    *(II) how the entities carrying out the*  
 14                    *programs under title II or under the Wag-*  
 15                    *ner-Peyser Act (29 U.S.C. 49 et seq.) will*  
 16                    *provide employment-related services or*  
 17                    *training-related services to individuals re-*  
 18                    *ceiving education services under title III or*  
 19                    *vocational rehabilitation services under title*  
 20                    *I of the Rehabilitation Act of 1973 (29*  
 21                    *U.S.C. 720 et seq.), other than section 112*  
 22                    *or part C of that title (29 U.S.C. 732, 741),*  
 23                    *and how the entities carrying out adult*  
 24                    *education and literacy activities under title*  
 25                    *III or programs of such vocational rehabili-*

1            *tation services will provide education serv-*  
2            *ices or vocational rehabilitation services to*  
3            *individuals receiving employment-related*  
4            *services or training-related services under*  
5            *title II or under the Wagner-Peyser Act;*  
6            *and*

7            *(III) how the entities carrying out pro-*  
8            *grams serving youth under title II will*  
9            *carry out the programs in collaboration*  
10           *with entities carrying out activities under*  
11           *title III and entities carrying out programs*  
12           *of such vocational rehabilitation services;*

13           *(iv) how the entities carrying out the*  
14           *respective programs will develop and imple-*  
15           *ment career pathways and education (of-*  
16           *fered concurrently with and in the same*  
17           *context as workforce preparation activities*  
18           *and training for a specific occupation or*  
19           *occupational cluster), including how such*  
20           *pathways and education will be made*  
21           *available to individuals with disabilities;*

22           *(v) how the State's strategy will engage*  
23           *the State's community colleges and area ca-*  
24           *reer and technical education schools as*  
25           *partners in the workforce development sys-*



1            *tem and enable the State to leverage other*  
2            *Federal, State, and local investments that*  
3            *have enhanced capacity and access to work-*  
4            *force development programs at those institu-*  
5            *tions;*

6            *(vi) how the entities carrying out the*  
7            *respective programs will strengthen the pro-*  
8            *vision of support services through coordina-*  
9            *tion of activities with Federal, State, and*  
10           *local providers of such services, in order to*  
11           *facilitate increased participation and per-*  
12           *sistence of individuals in employment, edu-*  
13           *cation, and training programs;*

14           *(vii) how technology will be used,*  
15           *through distance education and other meth-*  
16           *ods, by entities carrying out the respective*  
17           *programs to provide education and training*  
18           *activities, activities to enhance digital lit-*  
19           *eracy skills (as defined in section 202 of the*  
20           *Museum and Library Services Act (20*  
21           *U.S.C. 9101); referred to in this Act as*  
22           *“digital literacy skills”) and accelerate the*  
23           *acquisition of skills and recognized postsec-*  
24           *ondary credentials by participants, and ac-*  
25           *tivities to strengthen the professional devel-*

opment of providers and workforce professionals, and how the entities will ensure such technology is accessible to individuals with disabilities;

(viii) the methods used for joint planning and coordination of the core programs;

(ix) how the State will assess the overall effectiveness of the workforce investment system in the State; and

(x) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State.

(C) *STATE OPERATING SYSTEMS AND POLICIES.*—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(F), including a description of—

(i) State actions to assist local boards, one-stop partners, and one-stop operators, as appropriate, in local areas, in developing, refining, changing, or otherwise implementing the one-stop delivery system in those areas, including assisting with train-

1            *ing and establishing qualifications for one-*  
2            *stop delivery system staff and members of*  
3            *local boards, and how such actions will en-*  
4            *sure effective delivery of services to workers,*  
5            *jobseekers, and employers;*

6            *(ii) the State board, including the ac-*  
7            *tivities conducted to train and develop*  
8            *members of the State board and the staff of*  
9            *such board to carry out the functions of the*  
10           *State board effectively (but funds for such*  
11           *activities may not be used for long-distance*  
12           *travel expenses for training or development*  
13           *activities available locally or regionally);*

14           *(iii) the common data collection and*  
15           *reporting processes used for the one-stop*  
16           *partner programs in the system;*

17           *(iv)(I) how the respective core pro-*  
18           *grams will be assessed each year, including*  
19           *an assessment of the quality, effectiveness,*  
20           *and improvement of programs (analyzed by*  
21           *local area, or by provider), based on State*  
22           *performance accountability measures de-*  
23           *scribed in section 131(b); and*

24           *(II) how other one-stop partner pro-*  
25           *grams will be assessed each year;*

1           (v) *the results of an assessment of the*  
2           *effectiveness of the core programs and other*  
3           *one-stop partner programs during the pre-*  
4           *ceding 2-year period;*

5           (vi) *the methods and factors the State*  
6           *will use in distributing funds under the core*  
7           *programs, in accordance with the provisions*  
8           *authorizing such distributions;*

9           (vii)(I) *how the lead State agencies*  
10          *with responsibility for the administration of*  
11          *the core programs will align and integrate*  
12          *available workforce and education data on*  
13          *core programs, unemployment insurance*  
14          *programs, and education through postsec-*  
15          *ondary education;*

16          (II) *how such agencies will use the sys-*  
17          *tem to assess the progress of participants*  
18          *that are exiting core programs in entering,*  
19          *persisting in, and completing postsecondary*  
20          *education, or entering or remaining in em-*  
21          *ployment; and*

22          (III) *the privacy safeguards incor-*  
23          *porated in such system, including safe-*  
24          *guards required by section 444 of the Gen-*

1            *eral Education Provisions Act (20 U.S.C.*  
2            *1232g) and other applicable Federal laws;*

3            *(viii) how the entity carrying out a*  
4            *core program will carry out the activities to*  
5            *provide outreach to populations, including*  
6            *youth, and individuals with barriers to em-*  
7            *ployment (including youth with disabilities*  
8            *and other individuals with disabilities),*  
9            *who can benefit from one-stop partner pro-*  
10           *grams;*

11           *(ix) how the State will implement the*  
12           *priority of service provisions for veterans in*  
13           *accordance with the requirements of section*  
14           *4215 of title 38, United States Code;*

15           *(x) how the one-stop delivery system,*  
16           *including one-stop operators and the one-*  
17           *stop partners, will comply with section 288*  
18           *and applicable provisions of the Americans*  
19           *with Disabilities Act of 1990 (42 U.S.C.*  
20           *12101 et seq.) regarding the physical and*  
21           *programmatic accessibility of facilities, pro-*  
22           *grams, services, technology, and materials,*  
23           *for individuals with disabilities, including*  
24           *complying through providing staff training*

1           *and support for addressing the needs of in-*  
 2           *dividuals with disabilities;*

3           *(xi) how the State will assist local*  
 4           *boards, one-stop partners, and one-stop op-*  
 5           *erators in implementing and transitioning*  
 6           *to an integrated, technology-enabled intake*  
 7           *and case management information system*  
 8           *for programs carried out under the Act and*  
 9           *programs carried out by one-stop partners,*  
 10          *that includes common intake information*  
 11          *and procedures for sharing participant de-*  
 12          *mographic and contact information in*  
 13          *order to prevent duplication of data collec-*  
 14          *tion and promote access to the array of*  
 15          *services for which participants are eligible;*  
 16          *and*

17          *(xii) such other operational planning*  
 18          *elements as the Secretary of Labor and Sec-*  
 19          *retary of Education determine to be nec-*  
 20          *essary for effective State operating systems*  
 21          *and policies.*

22          *(D) PROGRAM-SPECIFIC REQUIREMENTS.—*

23          *The unified State plan shall include—*

24                 *(i) with respect to activities carried*  
 25                 *out under title II, a description of—*

1                   (I) *State policies or guidance, for*  
2                   *the statewide workforce development*  
3                   *system;*

4                   (II) *the State's policies and strat-*  
5                   *egies for use of State funds for work-*  
6                   *force investment activities;*

7                   (III) *the local areas designated in*  
8                   *the State, including the process used*  
9                   *for designating local areas, and the*  
10                  *process used for identifying any plan-*  
11                  *ning regions under section 116(c), in-*  
12                  *cluding a description of how the State*  
13                  *consulted with the local boards and*  
14                  *chief elected officials in determining*  
15                  *the planning regions;*

16                  (IV) *the appeals process referred*  
17                  *to in section 116(a)(4), relating to des-*  
18                  *ignation of local areas;*

19                  (V) *the appeal process referred to*  
20                  *in section 221(h)(2)(E), relating to de-*  
21                  *terminations for infrastructure fund-*  
22                  *ing; and*

23                  (VI) *with respect to youth work-*  
24                  *force investment activities authorized*  
25                  *in section 229, information identifying*

1           *the criteria to be used by local boards*  
 2           *in awarding grants for youth work-*  
 3           *force investment activities, including*  
 4           *criteria that the Governor and local*  
 5           *boards will use to identify effective and*  
 6           *ineffective youth workforce investment*  
 7           *activities and providers of such activi-*  
 8           *ties;*

9           *(ii) with respect to activities carried*  
 10          *out under title III, a description of—*

11                   *(I) how the eligible agency will, if*  
 12                   *applicable, align content standards for*  
 13                   *adult education with State-adopted*  
 14                   *challenging academic content stand-*  
 15                   *ards, as adopted under section*  
 16                   *1111(b)(1) of the Elementary and Sec-*  
 17                   *ondary Education Act of 1965 (20*  
 18                   *U.S.C. 6311(b)(1));*

19                   *(II) how the State will fund local*  
 20                   *activities using considerations specified*  
 21                   *in section 331(e) for—*

22                           *(aa) activities under section*  
 23                           *331(b);*

24                           *(bb) programs for corrections*  
 25                           *education under section 325;*



1                   (cc) programs for integrated  
2                   English literacy and civics edu-  
3                   cation under section 343; and

4                   (dd) integrated education  
5                   and training;

6                   (III) how the State will use the  
7                   funds to carry out activities under sec-  
8                   tion 323;

9                   (IV) how the eligible agency will  
10                  provide technical assistance and use  
11                  incentives and sanctions to improve el-  
12                  igible provider performance; and

13                  (V) how the eligible agency will  
14                  assess the quality of providers of adult  
15                  education and literacy activities under  
16                  title III and take actions to improve  
17                  such quality, including providing the  
18                  activities described in section  
19                  323(a)(1)(B);

20                  (iii) with respect to programs carried  
21                  out under title I of the Rehabilitation Act  
22                  of 1973 (29 U.S.C. 720 et seq.), other than  
23                  section 112 or part C of that title (29  
24                  U.S.C. 732, 741), the information described

1           *in section 101(a) of that Act (29 U.S.C.*  
 2           *721(a)); and*

3           *(iv) information on such additional*  
 4           *specific requirements for a program ref-*  
 5           *erenced in any of clauses (i) through (iii) or*  
 6           *the Wagner-Peyser Act (29 U.S.C. 49 et*  
 7           *seq.) as the Secretary of Labor and the Sec-*  
 8           *retary of Education determine are necessary*  
 9           *to administer that program but cannot rea-*  
 10           *sonably be applied across all such pro-*  
 11           *grams.*

12           *(E) ASSURANCES.—The unified State plan*  
 13           *shall include assurances—*

14           *(i) that the State has established a pol-*  
 15           *icy identifying circumstances that may*  
 16           *present a conflict of interest for a State*  
 17           *board or local board member, or the entity*  
 18           *or class of officials that the member rep-*  
 19           *resents, and procedures to resolve such con-*  
 20           *flicts;*

21           *(ii) that the State has established a*  
 22           *policy to provide to the public (including*  
 23           *individuals with disabilities) access to meet-*  
 24           *ings of State boards and local boards, and*  
 25           *information regarding activities of State*

1           *boards and local boards, such as data on*  
2           *board membership and minutes;*

3           *(iii)(I) that the lead State agencies*  
4           *with responsibility for the administration of*  
5           *core programs reviewed and commented on*  
6           *the appropriate operational planning ele-*  
7           *ments of the unified State plan, and ap-*  
8           *proved the elements as serving the needs of*  
9           *the populations served by such programs;*  
10          *and*

11          *(II) that the State obtained input into*  
12          *the development of the unified State plan*  
13          *and provided an opportunity for comment*  
14          *on the plan by representatives of local*  
15          *boards and chief elected officials, businesses,*  
16          *labor organizations, institutions of higher*  
17          *education, other primary stakeholders, and*  
18          *the general public and that the unified*  
19          *State plan is available and accessible to the*  
20          *general public;*

21          *(iv) that the State has established, in*  
22          *accordance with section 131(i), fiscal con-*  
23          *trol and fund accounting procedures that*  
24          *may be necessary to ensure the proper dis-*  
25          *bursement of, and accounting for, funds*

1           *paid to the State through allotments made*  
2           *for adult, dislocated worker, and youth pro-*  
3           *grams to carry out workforce investment ac-*  
4           *tivities under chapters 2 and 3 of subtitle B*  
5           *of title II;*

6           *(v) that the State will annually mon-*  
7           *itor local areas to ensure compliance with*  
8           *the uniform administrative requirements*  
9           *under section 284(a)(3);*

10          *(vi) that the State has taken appro-*  
11          *priate action to secure compliance with uni-*  
12          *form administrative requirements in this*  
13          *Act;*

14          *(vii) that the State has taken the ap-*  
15          *propriate actions to be in compliance with*  
16          *section 288;*

17          *(viii) that the Federal funds received to*  
18          *carry out a core program will not be ex-*  
19          *pended for any purpose other than for ac-*  
20          *tivities authorized with respect to such*  
21          *funds under that core program;*

22          *(ix) that the eligible agency under title*  
23          *III will—*

24                  *(I) expend the funds appropriated*  
25                  *to carry out that title only in a man-*

1                    *ner consistent with fiscal requirements*  
 2                    *under section 341(a) (regarding sup-*  
 3                    *plement and not supplant provisions);*  
 4                    *and*

5                    *(II) ensure that there is at least 1*  
 6                    *eligible provider serving each local*  
 7                    *area;*

8                    *(x) that the State will pay an appro-*  
 9                    *priate share (as defined by the State board)*  
 10                    *of the costs of carrying out subtitle B, from*  
 11                    *funds made available through each of the*  
 12                    *core programs; and*

13                    *(xi) regarding such other matters as*  
 14                    *the Secretary of Labor and the Secretary of*  
 15                    *Education determine to be necessary for the*  
 16                    *administration of the core programs.*

17                    *(c) PLAN SUBMISSION AND APPROVAL.—*

18                    *(1) SUBMISSION.—*

19                    *(A) INITIAL PLAN.—The initial unified*  
 20                    *State plan under this section (after the date of*  
 21                    *enactment of the Workforce Investment Act of*  
 22                    *2013) shall be submitted not later than 120 days*  
 23                    *prior to the commencement of the second full*  
 24                    *program year after the date of enactment of this*  
 25                    *Act.*

1           (B) *SUBSEQUENT PLANS.*—*Except as pro-*  
 2           *vided in subparagraph (A), a unified State plan*  
 3           *shall be submitted not later than 120 days prior*  
 4           *to the end of the 4-year period covered by the*  
 5           *preceding unified State plan.*

6           (2) *APPROVAL.*—*A unified State plan shall be*  
 7           *subject to the approval of both the Secretary of Labor*  
 8           *and the Secretary of Education, after approval of the*  
 9           *Commissioner of the Rehabilitation Services Adminis-*  
 10           *tration for the portion of the plan described in sub-*  
 11           *section (b)(2)(D)(iii). The unified State plan shall be*  
 12           *considered to be approved at the end of the 90-day pe-*  
 13           *riod beginning on the day the plan is submitted, un-*  
 14           *less the Secretary of Labor or the Secretary of Edu-*  
 15           *cation makes a written determination, during the 90-*  
 16           *day period, that the plan is inconsistent with the pro-*  
 17           *visions of this section or the provisions authorizing*  
 18           *the core programs, as appropriate.*

19           (3) *MODIFICATIONS.*—

20           (A) *MODIFICATIONS.*—*At the end of the first*  
 21           *2-year period of any 4-year unified State plan,*  
 22           *the State board shall review the unified State*  
 23           *plan, and the Governor shall submit modifica-*  
 24           *tions to the plan to reflect changes in labor mar-*  
 25           *ket and economic conditions or in other factors*

1       *affecting the implementation of the unified State*  
 2       *plan.*

3               *(B) APPROVAL.—A modified unified State*  
 4       *plan submitted for the review required under*  
 5       *subparagraph (A) shall be subject to the ap-*  
 6       *proval requirements described in paragraph (2).*  
 7       *A Governor may submit a modified unified State*  
 8       *plan at such other times as the Governor deter-*  
 9       *mines to be appropriate, and such modified uni-*  
 10       *fied State plan shall also be subject to the ap-*  
 11       *proval requirements described in paragraph (2).*

12              *(4) EARLY IMPLEMENTERS.—The Secretary of*  
 13       *Labor and the Secretary of Education shall establish*  
 14       *a process for approving and may approve unified*  
 15       *State plans that meet the requirements of this section*  
 16       *and are submitted to cover periods commencing prior*  
 17       *to the second full program year described in para-*  
 18       *graph (1)(A).*

19   **SEC. 113. COMBINED STATE PLAN.**

20       *(a) IN GENERAL.—*

21              *(1) AUTHORITY TO SUBMIT PLAN.—A State may*  
 22       *develop and submit to the appropriate Secretaries a*  
 23       *combined State plan for the core programs and 1 or*  
 24       *more of the programs and activities described in*  
 25       *paragraph (2) in lieu of submitting 2 or more plans,*

1     *for the programs and activities and the core pro-*  
 2     *grams.*

3             (2) *PROGRAMS.*—*The programs and activities re-*  
 4     *ferred to in paragraph (1) are as follows:*

5             (A) *Career and technical education pro-*  
 6     *grams authorized under the Carl D. Perkins Ca-*  
 7     *reer and Technical Education Act of 2006 (20*  
 8     *U.S.C. 2301 et seq.).*

9             (B) *Programs authorized under part A of*  
 10     *title IV of the Social Security Act (42 U.S.C.*  
 11     *601 et seq.).*

12            (C) *Programs authorized under section*  
 13     *6(d)(4) of the Food and Nutrition Act of 2008 (7*  
 14     *U.S.C. 2015(d)(4)).*

15            (D) *Work programs authorized under sec-*  
 16     *tion 6(o) of the Food and Nutrition Act of 2008*  
 17     *(7 U.S.C. 2015(o)).*

18            (E) *Activities authorized under chapter 2 of*  
 19     *title II of the Trade Act of 1974 (19 U.S.C. 2271*  
 20     *et seq.).*

21            (F) *Activities authorized under chapter 41*  
 22     *of title 38, United States Code.*

23            (G) *Programs authorized under State un-*  
 24     *employment compensation laws (in accordance*  
 25     *with applicable Federal law).*



1           (H) *Programs authorized under title V of*  
 2           *the Older Americans Act of 1965 (42 U.S.C.*  
 3           *3056 et seq.).*

4           (I) *Employment and training activities*  
 5           *carried out by the Department of Housing and*  
 6           *Urban Development.*

7           (J) *Employment and training activities*  
 8           *carried out under the Community Services Block*  
 9           *Grant Act (42 U.S.C. 9901 et seq.).*

10          (K) *Programs authorized under section 212*  
 11          *of the Second Chance Act of 2007 (42 U.S.C.*  
 12          *17532).*

13       (b) *REQUIREMENTS.—*

14           (1) *IN GENERAL.—The portion of a combined*  
 15           *plan covering the core programs shall be subject to the*  
 16           *requirements of section 112 (including section*  
 17           *112(c)(3)). The portion of such plan covering a pro-*  
 18           *gram or activity described in subsection (a)(2) shall*  
 19           *be subject to the requirements, if any, applicable to a*  
 20           *plan or application for assistance for that program or*  
 21           *activity, under the Federal law authorizing the pro-*  
 22           *gram or activity. At the election of the State, section*  
 23           *112(c)(3) may apply to that portion.*

24           (2) *ADDITIONAL SUBMISSION NOT REQUIRED.—A*  
 25           *State that submits a combined plan that is approved*

1       under subsection (c) shall not be required to submit  
2       any other plan or application in order to receive Fed-  
3       eral funds to carry out the core programs or the pro-  
4       gram or activities described in subsection (a)(2) that  
5       are covered by the combined plan.

6               (3) *COORDINATION.*—A combined plan shall in-  
7       clude—

8                       (A) a description of the methods used for  
9                       joint planning and coordination of the core pro-  
10                      grams and the other programs and activities cov-  
11                      ered by the combined plan; and

12                     (B) an assurance that the methods included  
13                     an opportunity for the entities responsible for  
14                     planning or administering the core programs  
15                     and the other programs and activities to review  
16                     and comment on all portions of the combined  
17                     plan.

18       (c) *APPROVAL BY THE APPROPRIATE SECRETARIES.*—

19               (1) *JURISDICTION.*—The appropriate Secretary  
20       shall have the authority to approve the corresponding  
21       portion of a combined plan as described in subsection  
22       (d). On the approval of the appropriate Secretary,  
23       that portion of the combined plan, relating to a pro-  
24       gram or activity, shall be implemented by the State

1        *pursuant to that portion of the combined plan, and*  
2        *the Federal law authorizing the program or activity.*

3            (2) *APPROVAL OF CORE PROGRAMS.—No portion*  
4        *of the plan relating to a core program shall be imple-*  
5        *mented until the appropriate Secretary approves the*  
6        *corresponding portions of the plan for all core pro-*  
7        *grams.*

8            (3) *TIMING OF APPROVAL.—*

9            (A) *IN GENERAL.—Except as provided in*  
10        *subparagraphs (B) and (C), a portion of the*  
11        *combined State plan covering the core programs*  
12        *or a program or activity described in subsection*  
13        *(a)(2) shall be considered to be approved by the*  
14        *appropriate Secretary at the end of the 90-day*  
15        *period beginning on the day the plan is sub-*  
16        *mitted.*

17            (B) *PLAN APPROVED BY 3 OR MORE APPRO-*  
18        *PRIATE SECRETARIES.—If an appropriate Sec-*  
19        *retary other than the Secretary of Labor or the*  
20        *Secretary of Education has authority to approve*  
21        *a portion of a combined plan, that portion of the*  
22        *combined plan shall be considered to be approved*  
23        *by the appropriate Secretary at the end of the*  
24        *120-day period beginning on the day the plan is*  
25        *submitted.*

1           (C) *DISAPPROVAL.*—*The portion shall not*  
 2           *be considered to be approved if the appropriate*  
 3           *Secretary makes a written determination, during*  
 4           *the 90-day period (or the 120-day period, for an*  
 5           *appropriate Secretary covered by subparagraph*  
 6           *(B)), that the portion is not consistent with the*  
 7           *requirements of the Federal law authorizing or*  
 8           *applicable to the program or activity involved,*  
 9           *including the criteria for approval of a plan or*  
 10          *application, if any, under such law, or the plan*  
 11          *is not consistent with the requirements of this*  
 12          *section.*

13          (4) *SPECIAL RULE.*—*In paragraph (3), the term*  
 14          *“criteria for approval of a plan or application”, with*  
 15          *respect to a State and a core program or a program*  
 16          *under the Carl D. Perkins Career and Technical Edu-*  
 17          *cation Act of 2006 (20 U.S.C. 2301 et seq.), includes*  
 18          *a requirement for agreement between the State and*  
 19          *the appropriate Secretaries regarding State perform-*  
 20          *ance accountability measures or State performance*  
 21          *measures, as the case may be, including levels of per-*  
 22          *formance.*

23          (d) *APPROPRIATE SECRETARY.*—*In this section, the*  
 24          *term “appropriate Secretary” means—*

1           (1) *with respect to the portion of a combined*  
 2           *plan relating to any of the core programs (including*  
 3           *a description, and an assurance concerning that pro-*  
 4           *gram, specified in subsection (b)(3)), the Secretary of*  
 5           *Labor and the Secretary of Education; and*

6           (2) *with respect to the portion of a combined*  
 7           *plan relating to a program or activity described in*  
 8           *subsection (a)(2) (including a description, and an as-*  
 9           *surance concerning that program or activity, specified*  
 10          *in subsection (b)(3)), the head of the Federal agency*  
 11          *who exercises plan or application approval authority*  
 12          *for the program or activity under the Federal law au-*  
 13          *thorizing the program or activity, or, if there are no*  
 14          *planning or application requirements for such pro-*  
 15          *gram or activity, exercises administrative authority*  
 16          *over the program or activity under that Federal law.*

## 17           **CHAPTER 2—LOCAL PROVISIONS**

### 18   **SEC. 116. LOCAL WORKFORCE DEVELOPMENT AREAS.**

19           (a) *DESIGNATION OF AREAS.—*

20           (1) *IN GENERAL.—*

21           (A) *PROCESS.—Except as provided in sub-*  
 22           *section (b), and consistent with paragraphs (2)*  
 23           *and (3), in order for a State to receive an allot-*  
 24           *ment under section 227 or 232, the Governor of*

1        *the State shall designate local workforce develop-*  
2        *ment areas within the State—*

3                *(i) through consultation with the State*  
4                *board; and*

5                *(ii) after consultation with chief elected*  
6                *officials and affected local boards, and after*  
7                *consideration of comments received through*  
8                *the public comment process as described in*  
9                *section 112(b)(2)(E)(iii)(II).*

10                *(B) CRITERIA.—The Governor shall des-*  
11                *ignate local areas (except for those local areas de-*  
12                *scribed in paragraphs (2) and (3)), based on cri-*  
13                *teria consisting of—*

14                *(i) the extent to which the areas are*  
15                *consistent with labor market areas in the*  
16                *State;*

17                *(ii) the extent to which the areas are*  
18                *consistent with regional economic develop-*  
19                *ment areas in the State; and*

20                *(iii) whether the areas have available*  
21                *the Federal and non-Federal resources nec-*  
22                *essary to effectively administer activities*  
23                *under title II and other applicable provi-*  
24                *sions of this Act, including whether the*  
25                *areas have the appropriate education and*

1           *training providers, such as institutions of*  
 2           *higher education and area career and tech-*  
 3           *nical education schools.*

4           (C) *RULE OF CONSTRUCTION.*—*For pur-*  
 5           *poses of subparagraph (B)(ii), the definition of*  
 6           *the term “region” in section 101 shall not be ap-*  
 7           *plicable.*

8           (2) *AUTOMATIC DESIGNATION.*—

9           (A) *INITIAL PERIOD.*—*For the second full*  
 10          *program year that commences after the date of*  
 11          *enactment of this Act, any area that was des-*  
 12          *ignated as a local area under section 116 of the*  
 13          *Workforce Investment Act of 1998, as in effect on*  
 14          *the day before the date of enactment of this Act,*  
 15          *and was so designated for the 2-year period pre-*  
 16          *ceding that day, shall be designated as a local*  
 17          *area by the Governor under this subparagraph—*

18                   (i) *if such area so requests; and*

19                   (ii) *if such local area—*

20                           (I) *performed successfully; and*

21                           (II) *sustained fiscal integrity.*

22          (B) *SUBSEQUENT DESIGNATION.*—*For the*  
 23          *third full program year that commences after the*  
 24          *date of enactment of this Act and thereafter, the*  
 25          *Governor shall designate as a local area under*

1           *this subparagraph any area that was designated*  
 2           *as a local area under subparagraph (A)—*

3                     *(i) if such local area so requests;*

4                     *(ii) if such local area—*

5                             *(I) performed successfully; and*

6                             *(II) sustained fiscal integrity; and*

7                             *(iii) in the case of a local area that is*  
 8                     *part of a consortium of local areas in a*  
 9                     *planning region under subsection (c), if*  
 10                     *such local area met each of the following*  
 11                     *implementation conditions:*

12                             *(I) Participated in preparing a*  
 13                     *regional plan under subsection*  
 14                     *(c)(1)(A)(iv) and in implementing the*  
 15                     *plan.*

16                             *(II) Developed and implemented*  
 17                     *regional service strategies and activi-*  
 18                     *ties, such as industry and sector-based*  
 19                     *strategies (including establishment of*  
 20                     *industry partnerships), in accordance*  
 21                     *with the regional plan.*

22                     *(C) DEFINITIONS.—For purposes of this*  
 23                     *paragraph:*

24                             *(i) PERFORMED SUCCESSFULLY.—The*  
 25                     *term “performed successfully”, used with re-*



1           *spect to a local area, means the local area*  
 2           *met or exceeded the adjusted levels of per-*  
 3           *formance for primary indicators of per-*  
 4           *formance described in section 131(b)(2)(A)*  
 5           *(or, if applicable, core indicators of per-*  
 6           *formance described in section 136(b)(2)(A)*  
 7           *of the Workforce Investment Act of 1998, as*  
 8           *in effect the day before the date of enact-*  
 9           *ment of this Act) for each of the last 2 con-*  
 10          *secutive years for which data are available*  
 11          *preceding the determination of performance*  
 12          *under this clause.*

13           (ii) *SUSTAINED FISCAL INTEGRITY.—*  
 14          *The term “sustained fiscal integrity”, used*  
 15          *with respect to a local area, means that the*  
 16          *Secretary has not made a formal deter-*  
 17          *mination, during either of the last 2 con-*  
 18          *secutive years preceding the determination*  
 19          *regarding such integrity, that either the*  
 20          *grant recipient or the administrative entity*  
 21          *of the area misexpended funds provided*  
 22          *under title II (or, if applicable, title I of the*  
 23          *Workforce Investment Act of 1998 as in ef-*  
 24          *fect prior to the effective date of such title*  
 25          *II) due to willful disregard of the require-*

ments of the title involved, gross negligence,  
or failure to comply with accepted stand-  
ards of administration.

(3) *DESIGNATION ON RECOMMENDATION OF  
STATE BOARD.*—The Governor may approve a request  
from any unit of general local government (including  
a combination of such units) for designation as a  
local area if the State board determines, based on the  
factors described in paragraph (1)(B), and rec-  
ommends to the Governor, that such area should be so  
designated.

(4) *APPEALS.*—A unit of general local govern-  
ment (including a combination of such units) or  
grant recipient that requests but is not granted des-  
ignation of an area as a local area under paragraph  
(2) may submit an appeal to the State board under  
an appeal process established in the State plan. If the  
appeal does not result in such a designation, the Sec-  
retary of Labor, after receiving a request for review  
from the unit or grant recipient and on determining  
that the unit or grant recipient was not accorded pro-  
cedural rights under the appeal process described in  
the State plan, as specified in section 112(b)(2)(D)(i),  
or that the area meets the requirements of paragraph

1       (2), may require that the area be designated as a  
2       local area under such paragraph.

3       (b) *SINGLE STATE LOCAL AREAS.*—

4               (1) *CONTINUATION OF PREVIOUS DESIGNA-*  
5       *TION.*—*The Governor of any State that was a single*  
6       *State local area for purposes of title I of the Work-*  
7       *force Investment Act of 1998, as in effect on July 1,*  
8       *2011, may designate the State as a single State local*  
9       *area for purposes of this title and title II if the Gov-*  
10       *ernor identifies the State as a local area in the State*  
11       *plan.*

12              (2) *REDESIGNATION.*—*The Governor of a State*  
13       *not described in paragraph (1) may designate the*  
14       *State as a single local area if, prior to the submission*  
15       *of the State plan or modification to such plan so des-*  
16       *ignating the State, no local area meeting the require-*  
17       *ments for automatic designation under subsection*  
18       *(a)(2) requests such designation as a separate local*  
19       *area.*

20              (3) *COMPOSITION OF STATE BOARD.*—

21                      (A) *CONTINUATION OF PREVIOUS DESIGNA-*  
22       *TION.*—*For a State that is designated as a single*  
23       *State local area under paragraph (1), the com-*  
24       *position of the State board shall—*

1           (i) be consistent with the composition  
2           of the State board for such State for pur-  
3           poses of title I of the Workforce Investment  
4           Act of 1998, as in effect on the day before  
5           the date of enactment of this Act; or

6           (ii)(I) include the members described  
7           in subparagraphs (A) and (B) of section  
8           111(b)(1);

9           (II) include, as a majority of the mem-  
10          bers, the representatives described in section  
11          111(b)(1)(C)(i);

12          (III) include, as members other than  
13          the members described in subparagraphs  
14          (A), (B), and (C)(i) of section 111(b)(1), an  
15          equal number of—

16               (aa) representatives described in  
17               subparagraph (C)(ii) of that section;  
18               and

19               (bb) representatives described in  
20               subparagraph (C)(iii) of that section;  
21               and

22          (IV) include as chairperson an indi-  
23          vidual elected from among the members de-  
24          scribed in section 111(b)(1)(C)(i).

1                   (B) *REDESIGNATION.*—*For a State that is*  
 2                   *designated as a single State local area under*  
 3                   *paragraph (2), the composition of the State*  
 4                   *board shall be consistent with the requirements*  
 5                   *described in subparagraph (A)(i).*

6                   (4) *EFFECT ON LOCAL PLAN AND LOCAL FUNC-*  
 7                   *TIONS.*—*In any case in which a State is designated*  
 8                   *as a local area pursuant to this subsection, the local*  
 9                   *plan prepared under section 118 for the area shall be*  
 10                   *submitted for approval as part of the State plan. In*  
 11                   *such a State, the State board shall carry out the func-*  
 12                   *tions of a local board, as specified in this Act or the*  
 13                   *provisions authorizing a core program, but the State*  
 14                   *shall not be required to meet and report on a set of*  
 15                   *local performance accountability measures.*

16                   (c) *REGIONAL PLANNING AND SERVICE DELIVERY.*—

17                   (1) *IN GENERAL.*—

18                   (A) *PLANNING.*—

19                   (i) *IDENTIFICATION.*—*Before the first*  
 20                   *day of the second full program year that*  
 21                   *commences after the date of enactment of*  
 22                   *this Act, as part of the process for devel-*  
 23                   *oping the State plan, a State shall identify*  
 24                   *regions in the State. The State shall iden-*  
 25                   *tify regions after consultation with the local*

boards and chief elected officials in the affected local areas and consistent with the criteria described in subsection (a)(1)(B).

(ii) *TYPES OF REGIONS.*—For purposes of this Act, the State shall identify—

(I) which regions are comprised of 1 local area that is aligned with the region; and

(II) which regions are comprised of 2 or more local areas that are (collectively) aligned with the region.

(iii) *PLANNING FOR COOPERATIVE INITIATIVES AND ARRANGEMENTS.*—In the regions comprised of 2 or more local areas, the State shall require regional planning, including planning for regional service delivery, by local boards in those regions. The State shall require the local boards in a planning region to participate in a regional planning process for cooperative initiatives and arrangements that result in—

(I) the establishment of regional service strategies and activities, including service delivery cooperative arrangements and regional approaches to

1           *address the employment and training*  
 2           *needs of individuals with barriers to*  
 3           *employment;*

4                     *(II) as appropriate, the develop-*  
 5                     *ment and implementation of initia-*  
 6                     *tives involving in-demand industry*  
 7                     *sectors or occupations;*

8                     *(III) the collection and analysis of*  
 9                     *regional labor market data (in con-*  
 10                    *junction with the State); and*

11                    *(IV) the establishment of adminis-*  
 12                    *trative cost arrangements, as appro-*  
 13                    *priate.*

14                    *(iv) REGIONAL PLANS.—The State,*  
 15                    *after consultation with the local boards and*  
 16                    *chief elected officials for the planning re-*  
 17                    *gion, shall require the local boards and offi-*  
 18                    *cials to collaborate in order to prepare, sub-*  
 19                    *mit, and obtain approval of a single re-*  
 20                    *gional plan. Such plan shall include a de-*  
 21                    *scription of the cooperative initiatives and*  
 22                    *arrangements developed pursuant to clause*  
 23                    *(iii) and incorporate local plans for each of*  
 24                    *the local areas in the planning region (as*  
 25                    *required under section 118), which shall*

1           *contain strategies that are consistent and*  
2           *aligned with each other.*

3           (v) *REFERENCES.—In this Act, and*  
4           *the core program provisions that are not in*  
5           *this Act:*

6                   (I) *LOCAL AREA.—Except as pro-*  
7                   *vided in section 111(d)(8), this section,*  
8                   *paragraph (1)(B) or (4) of section*  
9                   *117(c), or section 117(d)(12)(B), or in*  
10                  *any text that provides an accom-*  
11                  *panying provision specifically for a*  
12                  *planning region, the term “local area”*  
13                  *in a provision includes a reference to*  
14                  *a planning region for purposes of im-*  
15                  *plementation of that provision by the*  
16                  *corresponding local areas in the region.*

17                  (II) *LOCAL PLAN.—Except as pro-*  
18                  *vided in subsection (b)(4) or this sub-*  
19                  *section, the term “local plan” includes*  
20                  *a reference to the portion of a regional*  
21                  *plan developed with respect to the cor-*  
22                  *responding local area within the re-*  
23                  *gion, and any regionwide provision of*  
24                  *that plan that impacts or relates to the*  
25                  *local area.*



1 (B) ASSISTANCE FOR LOCAL AREAS.—

2 (i) IN GENERAL.—*The State shall pro-*  
 3 *vide technical assistance and labor market*  
 4 *information to local boards in planning re-*  
 5 *gions to assist such local boards with re-*  
 6 *gional planning and subsequent service de-*  
 7 *livery efforts, and with the alignment of*  
 8 *programs consistent with the alignment en-*  
 9 *visioned in the State and local plans.*

10 (ii) REDESIGNATION ASSISTANCE.—*On*  
 11 *the request of all of the local areas in a*  
 12 *planning region, the State shall provide*  
 13 *funding from funds made available under*  
 14 *sections 228(a) and 233(a)(1) to assist the*  
 15 *local areas in carrying out activities to fa-*  
 16 *cilitate the redesignation of the local areas*  
 17 *as a single local area.*

18 (2) INFORMATION SHARING.—*The State shall re-*  
 19 *quire the local boards for a planning region to share,*  
 20 *consistent with State law, employment statistics, in-*  
 21 *formation about employment opportunities and*  
 22 *trends, information about the skill requirements of ex-*  
 23 *isting and emerging in-demand industry sectors and*  
 24 *occupations, information on the skills and workforce*  
 25 *development activities, and any skill or services gaps,*

1        *in the planning region, and other types of informa-*  
 2        *tion that would assist in improving the performance*  
 3        *of all local areas in the planning region on the per-*  
 4        *formance accountability measures established under*  
 5        *section 131(c).*

6            (3) *COORDINATION OF SERVICES.—The State*  
 7        *shall require the local boards for a planning region*  
 8        *to coordinate—*

9            (A) *the provision of workforce investment*  
 10        *activities with the activities of the other one-stop*  
 11        *partner programs, including the provision of*  
 12        *transportation and other supportive services, so*  
 13        *that services provided through such programs*  
 14        *may be provided across the boundaries of local*  
 15        *areas within the planning region; and*

16          (B) *the provision of such activities with re-*  
 17        *gional economic development services and strate-*  
 18        *gies.*

19          (4) *INTERSTATE REGIONS.—Two or more States*  
 20        *that contain an interstate region that is a labor mar-*  
 21        *ket area, economic development region, or other ap-*  
 22        *propriate contiguous subarea of the States may des-*  
 23        *ignate the area as a planning region for purposes of*  
 24        *this subsection, and jointly exercise the State func-*

1        *tions described in this Act (including paragraphs (1)*  
 2        *through (3)).*

3    **SEC. 117. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

4        (a) *ESTABLISHMENT.*—*Except as provided in sub-*  
 5        *section (c)(2)(A), there shall be established, and certified by*  
 6        *the Governor of the State, a local workforce development*  
 7        *board in each local area of a State to carry out the func-*  
 8        *tions described in subsection (d) (and any functions speci-*  
 9        *fied for the local board under this Act or the provisions es-*  
 10       *tablishing a core program) for such area.*

11       (b) *MEMBERSHIP.*—

12            (1) *STATE CRITERIA.*—*The Governor, in part-*  
 13        *nership with the State board, shall establish criteria*  
 14        *for use by chief elected officials in the local areas for*  
 15        *appointment of members of the local boards in such*  
 16        *local areas in accordance with the requirements of*  
 17        *paragraph (2).*

18            (2) *COMPOSITION.*—*Such criteria shall require*  
 19        *that, at a minimum—*

20                    (A) *a majority of the members of each local*  
 21        *board shall be representatives of business in the*  
 22        *local area, who—*

23                            (i) *are owners of businesses, chief ex-*  
 24        *ecutives or operating officers of businesses,*  
 25        *or other business executives or employers*

1           *with optimum policymaking or hiring au-*  
2           *thority;*

3           (ii) *represent businesses, including*  
4           *small businesses, or organizations rep-*  
5           *resenting businesses described in this clause,*  
6           *that provide employment opportunities that,*  
7           *at a minimum, will provide clear and ac-*  
8           *cessible career pathways, and include high-*  
9           *quality, work-relevant training and develop-*  
10          *ment in in-demand industry sectors or oc-*  
11          *cupations in the local area; and*

12          (iii) *are appointed from among indi-*  
13          *viduals nominated by local business organi-*  
14          *zations and business trade associations;*

15          (B) *not less than 20 percent of the members*  
16          *of each local board shall be representatives of the*  
17          *workforce within the local area, who—*

18               (i) *shall include representatives of*  
19               *labor organizations (for a local area in*  
20               *which employees are represented by labor*  
21               *organizations), who have been nominated by*  
22               *local labor federations, or (for a local area*  
23               *in which no employees are represented by*  
24               *such organizations) other representatives of*  
25               *employees;*

1           (ii) may include representatives of  
2           community-based organizations that have  
3           demonstrated experience and expertise in  
4           addressing the employment needs of individ-  
5           uals with barriers to employment, including  
6           organizations that serve veterans or that  
7           provide or support competitive integrated  
8           employment for individuals with disabil-  
9           ities; and

10          (iii) may include representatives of or-  
11          ganizations that have demonstrated experi-  
12          ence and expertise in addressing the em-  
13          ployment, training, or education needs of el-  
14          igible youth, including representatives of or-  
15          ganizations that serve out-of-school youth;

16          (C) each local board shall include represent-  
17          atives of entities administering education and  
18          training activities in the local area, who—

19               (i) shall include a representative of eli-  
20               gible providers administering adult edu-  
21               cation and literacy activities under title  
22               III;

23               (ii) shall include a representative of  
24               institutions of higher education providing

1           *workforce investment activities (including*  
2           *community colleges);*

3           *(iii) shall include a representative, ei-*  
4           *ther an employer, a member of a labor orga-*  
5           *nization, or a staff director, from a joint*  
6           *labor-management apprenticeship program,*  
7           *or if no such joint program exists in the*  
8           *area, a representative of an apprenticeship*  
9           *program in the area; and*

10          *(iv) may include representatives of*  
11          *local educational agencies, and of commu-*  
12          *nity-based organizations with demonstrated*  
13          *experience and expertise in addressing the*  
14          *education or training needs of individuals*  
15          *with barriers to employment;*

16          *(D) each local board shall include represent-*  
17          *atives of governmental and economic and com-*  
18          *munity development entities serving the local*  
19          *area, who—*

20                *(i) shall include 1 or more representa-*  
21                *tives of economic and community develop-*  
22                *ment entities;*

23                *(ii) shall include an appropriate rep-*  
24                *resentative from the State employment serv-*

ice office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;

(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

(v) may include representatives of philanthropic organizations serving the local area; and

(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

(3) CHAIRPERSON.—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A).

(4) STANDING COMMITTEES.—

1           (A) *IN GENERAL.*—*The local board shall*  
2           *designate and direct the activities of standing*  
3           *committees to provide information and to assist*  
4           *the local board in carrying out activities under*  
5           *this section. Such standing committees shall be*  
6           *chaired by a member of the local board, may in-*  
7           *clude other members of the local board, and shall*  
8           *include other individuals appointed by the local*  
9           *board who are not members of the local board*  
10          *and who the local board determines have appro-*  
11          *priate experience and expertise. At a minimum,*  
12          *the local board shall designate each of the fol-*  
13          *lowing:*

14               (i) *A standing committee to provide*  
15               *information and assist with operational*  
16               *and other issues relating to the one-stop de-*  
17               *livery system, which may include as mem-*  
18               *bers representatives of the one-stop partners.*

19               (ii) *A standing committee to provide*  
20               *information and to assist with planning,*  
21               *operational, and other issues relating to the*  
22               *provision of services to youth, which shall*  
23               *include community-based organizations*  
24               *with a demonstrated record of success in*  
25               *serving eligible youth.*



1                   (iii) *A standing committee to provide*  
2                   *information and to assist with operational*  
3                   *and other issues relating to the provision of*  
4                   *services to individuals with disabilities, in-*  
5                   *cluding issues relating to compliance with*  
6                   *section 288 and applicable provisions of the*  
7                   *Americans with Disabilities Act of 1990 (42*  
8                   *U.S.C. 12101 et seq.) regarding providing*  
9                   *programmatic and physical access to the*  
10                  *services, programs, and activities of the one-*  
11                  *stop delivery system, as well as appropriate*  
12                  *training for staff on providing supports for*  
13                  *or accommodations to, and finding employ-*  
14                  *ment opportunities for, individuals with*  
15                  *disabilities.*

16                (B) *ADDITIONAL COMMITTEES.*—*The local*  
17                *board may designate standing committees in ad-*  
18                *dition to the standing committees specified in*  
19                *subparagraph (A).*

20                (C) *DESIGNATION OF ENTITY.*—*Nothing in*  
21                *this paragraph shall be construed to prohibit the*  
22                *designation of an existing (as of the date of en-*  
23                *actment of this Act) entity, such as an effective*  
24                *youth council, to fulfill the requirements of this*

1           *paragraph as long as the entity meets the re-*  
 2           *quirements of this paragraph.*

3           (5) *AUTHORITY OF BOARD MEMBERS.—Members*  
 4           *of the board that represent organizations, agencies, or*  
 5           *other entities shall be individuals with optimum pol-*  
 6           *icymaking authority within the organizations, agen-*  
 7           *cies, or entities. The members of the board shall rep-*  
 8           *resent diverse geographic areas within the local area.*

9           (6) *SPECIAL RULE.—If there are multiple eligi-*  
 10          *ble providers serving the local area by administering*  
 11          *adult education and literacy activities under title III,*  
 12          *or multiple institutions of higher education serving*  
 13          *the local area by providing workforce investment ac-*  
 14          *tivities, each representative on the local board de-*  
 15          *scribed in clause (i) or (ii) of paragraph (2)(C), re-*  
 16          *spectively, shall be appointed from among individuals*  
 17          *nominated by local providers representing such pro-*  
 18          *viders or institutions, respectively.*

19          (c) *APPOINTMENT AND CERTIFICATION OF BOARD.—*

20               (1) *APPOINTMENT OF BOARD MEMBERS AND AS-*  
 21               *SIGNMENT OF RESPONSIBILITIES.—*

22                   (A) *IN GENERAL.—The chief elected official*  
 23                   *in a local area is authorized to appoint the*  
 24                   *members of the local board for such area, in ac-*

cordance with the State criteria established under subsection (b).

(B) *MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.*—

(i) *IN GENERAL.*—*In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—*

(I) *in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and*

(II) *in carrying out any other responsibilities assigned to such officials under this title or subtitle B of title II.*

(ii) *LACK OF AGREEMENT.*—*If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.*

1           (C) *CONCENTRATED EMPLOYMENT PRO-*  
 2           *GRAMS.—In the case of an area that was des-*  
 3           *ignated as a local area in accordance with sec-*  
 4           *tion 116(a)(2)(B) of the Workforce Investment*  
 5           *Act of 1998 (as in effect on the day before the*  
 6           *date of enactment of this Act), and that remains*  
 7           *a local area on that date, the governing body of*  
 8           *the concentrated employment program involved*  
 9           *shall act in consultation with the chief elected of-*  
 10           *ficial in the local area to appoint members of the*  
 11           *local board, in accordance with the State criteria*  
 12           *established under subsection (b), and to carry out*  
 13           *any other responsibility relating to workforce in-*  
 14           *vestment activities assigned to such official*  
 15           *under this Act.*

16           (2) *CERTIFICATION.—*

17           (A) *IN GENERAL.—The Governor shall, once*  
 18           *every 2 years, certify 1 local board for each local*  
 19           *area in the State.*

20           (B) *CRITERIA.—Such certification shall be*  
 21           *based on criteria established under subsection*  
 22           *(b), and for a second or subsequent certification,*  
 23           *the extent to which the local board has ensured*  
 24           *that workforce investment activities carried out*  
 25           *in the local area have enabled the local area to*

1        *meet the corresponding performance account-*  
 2        *ability measures and achieve sustained fiscal in-*  
 3        *tegrity, as defined in section 116(a)(2)(C).*

4            (C) *FAILURE TO ACHIEVE CERTIFI-*  
 5        *CATION.—Failure of a local board to achieve cer-*  
 6        *tification shall result in appointment and cer-*  
 7        *tification of a new local board for the local area*  
 8        *pursuant to the process described in paragraph*  
 9        *(1) and this paragraph.*

10        (3) *DECERTIFICATION.—*

11            (A) *FRAUD, ABUSE, FAILURE TO CARRY OUT*  
 12        *FUNCTIONS.—Notwithstanding paragraph (2),*  
 13        *the Governor shall have the authority to decertify*  
 14        *a local board at any time after providing notice*  
 15        *and an opportunity for comment, for—*

16            (i) *fraud or abuse; or*

17            (ii) *failure to carry out the functions*  
 18        *specified for the local board in subsection*  
 19        *(d).*

20            (B) *NONPERFORMANCE.—Notwithstanding*  
 21        *paragraph (2), the Governor may decertify a*  
 22        *local board if a local area fails to meet the local*  
 23        *performance accountability measures for such*  
 24        *local area in accordance with section 131(c) for*  
 25        *2 consecutive program years.*

1           (C) *REORGANIZATION PLAN.*—If the Gov-  
 2           ernor decertifies a local board for a local area  
 3           under subparagraph (A) or (B), the Governor  
 4           may require that a new local board be appointed  
 5           and certified for the local area pursuant to a re-  
 6           organization plan developed by the Governor, in  
 7           consultation with the chief elected official in the  
 8           local area and in accordance with the criteria es-  
 9           tablished under subsection (b).

10          (4) *SINGLE STATE LOCAL AREA.*—

11           (A) *STATE BOARD.*—Notwithstanding sub-  
 12           section (b) and paragraphs (1) and (2), if a  
 13           State described in section 116(b) indicates in the  
 14           State plan that the State will be treated as a  
 15           single State local area, for purposes of the appli-  
 16           cation of this Act or the provisions authorizing  
 17           a core program, the State board shall carry out  
 18           any of the functions of a local board under this  
 19           Act or the provisions authorizing a core pro-  
 20           gram, including the functions described in sub-  
 21           section (d).

22           (B) *REFERENCES.*—

23           (i) *IN GENERAL.*—Except as provided  
 24           in clauses (ii) and (iii), with respect to such  
 25           a State, a reference in this Act or a core

1            *program provision to a local board shall be*  
 2            *considered to be a reference to the State*  
 3            *board, and a reference in the Act or provi-*  
 4            *sion to a local area or region shall be con-*  
 5            *sidered to be a reference to the State.*

6            (ii) *PLANS.—The State board shall*  
 7            *prepare a local plan under section 118 for*  
 8            *the State, and submit the plan for approval*  
 9            *as part of the State plan.*

10           (iii) *PERFORMANCE ACCOUNTABILITY*  
 11           *MEASURES.—The State shall not be re-*  
 12           *quired to meet and report on a set of local*  
 13           *performance accountability measures.*

14           (d) *FUNCTIONS OF LOCAL BOARD.—Consistent with*  
 15           *section 118, the functions of the local board shall include*  
 16           *the following:*

17           (1) *LOCAL PLAN.—The local board, in partner-*  
 18           *ship with the chief elected official for the local area*  
 19           *involved, shall develop and submit a local plan to the*  
 20           *Governor that meets the requirements in section 118.*  
 21           *If the local area is part of a planning region that in-*  
 22           *cludes other local areas, the local board shall collabo-*  
 23           *rate with the other local boards and chief elected offi-*  
 24           *cials from such other local areas in the development*

1        *and submission of the local plan as described in sec-*  
 2        *tion 116(c)(1)(A).*

3            (2)    *WORKFORCE RESEARCH AND REGIONAL*  
 4        *LABOR MARKET ANALYSIS.—In order to assist in the*  
 5        *development and implementation of the local plan,*  
 6        *the local board shall—*

7            (A) *carry out analyses of the economic con-*  
 8        *ditions in the region, the needed knowledge and*  
 9        *skills for the region, the workforce in the region,*  
 10       *and workforce development activities (including*  
 11       *education and training) in the region described*  
 12       *in section 118(b)(1)(D), and regularly update*  
 13       *such information;*

14          (B) *assist the Governor in developing the*  
 15       *statewide workforce and labor market informa-*  
 16       *tion system described in section 15(e) of the*  
 17       *Wagner-Peyser Act (29 U.S.C. 49l–2(e)), specifi-*  
 18       *cally in the collection, analysis, and utilization*  
 19       *of workforce and labor market information for*  
 20       *the region; and*

21          (C) *conduct such other research, data collec-*  
 22       *tion, and analysis related to the workforce needs*  
 23       *of the regional economy as the board, after re-*  
 24       *ceiving input from a wide array of stakeholders,*



1           *determines to be necessary to carry out its func-*  
2           *tions.*

3           (3) *CONVENING, BROKERING, LEVERAGING.—The*  
4           *local board shall convene local workforce development*  
5           *system stakeholders to assist in the development of the*  
6           *local plan under section 118 and in identifying non-*  
7           *Federal expertise and resources to leverage support for*  
8           *workforce development activities. The local board, in-*  
9           *cluding standing committees, may engage such stake-*  
10          *holders in carrying out the functions described in this*  
11          *subsection.*

12          (4) *EMPLOYER ENGAGEMENT.—The local board*  
13          *shall lead efforts to engage with a diverse range of*  
14          *employers and with entities in the region involved—*

15                (A) *to promote business representation (par-*  
16                *ticularly representatives with optimal policy-*  
17                *making or hiring authority from employers*  
18                *whose employment opportunities reflect existing*  
19                *and emerging employment opportunities in the*  
20                *region) on the local board;*

21                (B) *to develop effective linkages (including*  
22                *the use of intermediaries) with employers in the*  
23                *region to support employer utilization of the*  
24                *local workforce development system and to sup-*  
25                *port local workforce investment activities;*

1           (C) to ensure that workforce investment ac-  
2           tivities meet the needs of employers and support  
3           economic growth in the region, by enhancing  
4           communication, coordination, and collaboration  
5           among employers, economic development entities,  
6           and service providers; and

7           (D) to develop and implement proven or  
8           promising strategies for meeting the employment  
9           and skill needs of workers and employers (such  
10          as the establishment of industry and sector part-  
11          nerships), that provide the skilled workforce  
12          needed by employers in the region, and that ex-  
13          pand employment and career advancement op-  
14          portunities for workforce development system  
15          participants in in-demand industry sectors or  
16          occupations.

17          (5) CAREER PATHWAYS DEVELOPMENT.—The  
18          local board, with representatives of secondary and  
19          postsecondary education programs, shall lead efforts  
20          in the local area to develop and implement career  
21          pathways within the local area by aligning the em-  
22          ployment, training, education, and supportive serv-  
23          ices that are needed by adults and youth, particularly  
24          individuals with barriers to employment.

1           (6) *PROVEN AND PROMISING PRACTICES.*—*The*  
2           *local board shall lead efforts in the local area to—*

3                   (A) *identify and promote proven and prom-*  
4                   *ising strategies and initiatives for meeting the*  
5                   *needs of employers, and workers and jobseekers*  
6                   *(including individuals with barriers to employ-*  
7                   *ment) in the local workforce development system,*  
8                   *including providing physical and programmatic*  
9                   *accessibility, in accordance with section 288 and*  
10                  *applicable provisions of the Americans with Dis-*  
11                  *abilities Act of 1990 (42 U.S.C. 12101 et seq.),*  
12                  *to the one-stop delivery system; and*

13                  (B) *identify and disseminate information*  
14                  *on proven and promising practices carried out*  
15                  *in other local areas for meeting such needs.*

16           (7) *TECHNOLOGY.*—*The local board shall develop*  
17           *strategies for using technology to maximize the acces-*  
18           *sibility and effectiveness of the local workforce devel-*  
19           *opment system for employers, and workers and job-*  
20           *seekers, by—*

21                   (A) *facilitating connections among the in-*  
22                   *take and case management information systems*  
23                   *of the one-stop partner programs to support a*  
24                   *comprehensive workforce development system in*  
25                   *the local area;*

1           (B) *facilitating access to services provided*  
 2           *through the one-stop delivery system involved,*  
 3           *including facilitating the access in remote areas;*

4           (C) *identifying strategies for better meeting*  
 5           *the needs of individuals with barriers to employ-*  
 6           *ment, including strategies that augment tradi-*  
 7           *tional service delivery, and increase access to*  
 8           *services and programs of the one-stop delivery*  
 9           *system, such as improving digital literacy skills;*  
 10          *and*

11          (D) *leveraging resources and capacity with-*  
 12          *in the local workforce development system, in-*  
 13          *cluding resources and capacity for services for*  
 14          *individuals with barriers to employment.*

15          (8) *PROGRAM OVERSIGHT.*—*The local board, in*  
 16          *partnership with the chief elected official for the local*  
 17          *area, shall—*

18               (A)(i) *conduct oversight for local youth*  
 19               *workforce investment activities authorized under*  
 20               *section 229, local employment and training ac-*  
 21               *tivities authorized under section 234, and the*  
 22               *one-stop delivery system in the local area; and*

23               (ii) *ensure the appropriate use and man-*  
 24               *agement of the funds provided under this title*

1           *and title II for the activities and system de-*  
 2           *scribed in clause (i); and*

3                     *(B) for workforce development activities, en-*  
 4           *sure the appropriate use, management, and in-*  
 5           *vestment of funds to maximize performance out-*  
 6           *comes under section 131.*

7           (9) *NEGOTIATION OF LOCAL PERFORMANCE AC-*  
 8           *COUNTABILITY MEASURES.—The local board, the chief*  
 9           *elected official, and the Governor shall negotiate and*  
 10          *reach agreement on local performance accountability*  
 11          *measures as described in section 131(c).*

12          (10) *SELECTION OF OPERATORS AND PRO-*  
 13          *VIDERS.—*

14                     *(A) SELECTION OF ONE-STOP OPERA-*  
 15          *TORS.—Consistent with section 221(d), the local*  
 16          *board, with the agreement of the chief elected of-*  
 17          *ficial for the local area—*

18                             *(i) shall designate or certify one-stop*  
 19                     *operators as described in section*  
 20                     *221(d)(2)(A); and*

21                             *(ii) may terminate for cause the eligi-*  
 22                     *bility of such operators.*

23                     *(B) SELECTION OF YOUTH PROVIDERS.—*  
 24          *Consistent with section 223, the local board—*

1           (i) shall identify eligible providers of  
 2           youth workforce investment activities in the  
 3           local area by awarding grants or contracts  
 4           on a competitive basis (except as provided  
 5           in section 223(b)), based on the rec-  
 6           ommendations of the youth standing com-  
 7           mittee established under subsection (b)(4);  
 8           and

9           (ii) may terminate for cause the eligi-  
 10          bility of such providers.

11          (C) IDENTIFICATION OF ELIGIBLE PRO-  
 12          VIDERS OF TRAINING SERVICES.—Consistent  
 13          with section 222, the local board shall identify  
 14          eligible providers of training services in the local  
 15          area.

16          (D) IDENTIFICATION OF ELIGIBLE PRO-  
 17          VIDERS OF INTENSIVE SERVICES.—If the one-stop  
 18          operator does not provide intensive services de-  
 19          scribed in section 234(c)(3) in a local area, the  
 20          local board shall identify eligible providers of  
 21          those intensive services in the local area by  
 22          awarding contracts.

23          (E) CONSUMER CHOICE REQUIREMENTS.—  
 24          Consistent with section 222 and paragraphs (3)  
 25          and (4) of section 234(c), the local board shall

1        *work with the State to ensure there are sufficient*  
2        *numbers and types of providers of intensive serv-*  
3        *ices and training services (including eligible pro-*  
4        *viders with expertise in assisting individuals*  
5        *with disabilities and eligible providers with ex-*  
6        *pertise in assisting adults in need of adult edu-*  
7        *cation and literacy activities) serving the local*  
8        *area and providing the services involved in a*  
9        *manner that maximizes consumer choice, as well*  
10       *as providing opportunities that lead to competi-*  
11       *tive integrated employment for individuals with*  
12       *disabilities.*

13       (11) *COORDINATION WITH EDUCATION PRO-*  
14       *VIDERS.—*

15                (A) *IN GENERAL.—The local board shall co-*  
16        *ordinate activities with education and training*  
17        *providers in the local area, including providers*  
18        *of workforce investment activities, providers of*  
19        *adult education and literacy activities under*  
20        *title III, providers of career and technical edu-*  
21        *cation (as defined in section 3 of the Carl D.*  
22        *Perkins Career and Technical Education Act of*  
23        *2006 (20 U.S.C. 2302)) and local agencies ad-*  
24        *ministering plans under title I of the Rehabilita-*  
25        *tion Act of 1973 (29 U.S.C. 720 et seq.), other*

1           *than section 112 or part C of that title (29*  
2           *U.S.C. 732, 741).*

3                     *(B) APPLICATIONS AND AGREEMENTS.—The*  
4           *coordination described in subparagraph (A) shall*  
5           *include—*

6                     *(i) consistent with section 332—*

7                             *(I) reviewing the applications to*  
8                             *provide adult education and literacy*  
9                             *activities under title III for the local*  
10                            *area, submitted under such section to*  
11                            *the eligible agency by eligible pro-*  
12                            *viders, to determine whether such ap-*  
13                            *plications are consistent with the local*  
14                            *plan; and*

15                            *(II) making recommendations to*  
16                            *the eligible agency to promote align-*  
17                            *ment with such plan; and*

18                            *(ii) replicating cooperative agreements*  
19                            *in accordance with subparagraph (B) of*  
20                            *section 101(a)(11) of the Rehabilitation Act*  
21                            *of 1973 (29 U.S.C. 721(a)(11)), and imple-*  
22                            *menting cooperative agreements in accord-*  
23                            *ance with that section with the local agen-*  
24                            *cies administering plans under title I of*  
25                            *that Act (29 U.S.C. 720 et seq.) (other than*



1            *section 112 or part C of that title (29*  
 2            *U.S.C. 732, 741) and subject to section*  
 3            *221(f)), with respect to efforts that will en-*  
 4            *hance the provision of services to individ-*  
 5            *uals with disabilities and other individuals,*  
 6            *such as cross training of staff, technical as-*  
 7            *sistance, use and sharing of information,*  
 8            *cooperative efforts with employers, and*  
 9            *other efforts at cooperation, collaboration,*  
 10           *and coordination.*

11           *(C) COOPERATIVE AGREEMENT.—In this*  
 12           *paragraph, the term “cooperative agreement”*  
 13           *means an agreement entered into by a State des-*  
 14           *ignated agency or State designated unit under*  
 15           *subparagraph (A) of section 101(a)(11) of the*  
 16           *Rehabilitation Act of 1973.*

17           *(12) BUDGET AND ADMINISTRATION.—*

18           *(A) BUDGET.—The local board shall develop*  
 19           *a budget for the activities of the local board in*  
 20           *the local area, consistent with the local plan and*  
 21           *the duties of the local board under this section,*  
 22           *subject to the approval of the chief elected offi-*  
 23           *cial.*

24           *(B) ADMINISTRATION.—*

25           *(i) GRANT RECIPIENT.—*

1           (I) *IN GENERAL.*—*The chief elect-*  
2           *ed official in a local area shall serve as*  
3           *the local grant recipient for, and shall*  
4           *be liable for any misuse of, the grant*  
5           *funds allocated to the local area under*  
6           *sections 228 and 233, unless the chief*  
7           *elected official reaches an agreement*  
8           *with the Governor for the Governor to*  
9           *act as the local grant recipient and*  
10          *bear such liability.*

11          (II) *DESIGNATION.*—*In order to*  
12          *assist in administration of the grant*  
13          *funds, the chief elected official or the*  
14          *Governor, where the Governor serves as*  
15          *the local grant recipient for a local*  
16          *area, may designate an entity to serve*  
17          *as a local grant subrecipient for such*  
18          *funds or as a local fiscal agent. Such*  
19          *designation shall not relieve the chief*  
20          *elected official or the Governor of the*  
21          *liability for any misuse of grant funds*  
22          *as described in subclause (I).*

23          (III) *DISBURSAL.*—*The local*  
24          *grant recipient or an entity designated*  
25          *under subclause (II) shall disburse the*

1           *grant funds for workforce investment*  
 2           *activities at the direction of the local*  
 3           *board, pursuant to the requirements of*  
 4           *this title and title II. The local grant*  
 5           *recipient or entity designated under*  
 6           *subclause (II) shall disburse the funds*  
 7           *immediately on receiving such direc-*  
 8           *tion from the local board.*

9           (ii) *GRANTS AND DONATIONS.—The*  
 10          *local board may solicit and accept grants*  
 11          *and donations from sources other than Fed-*  
 12          *eral funds made available under this Act.*

13          (iii) *TAX-EXEMPT STATUS.—For pur-*  
 14          *poses of carrying out duties under this Act,*  
 15          *local boards may incorporate, and may op-*  
 16          *erate as entities described in section*  
 17          *501(c)(3) of the Internal Revenue Code of*  
 18          *1986 that are exempt from taxation under*  
 19          *section 501(a) of such Code.*

20          (13) *ACCESSIBILITY FOR INDIVIDUALS WITH DIS-*  
 21          *ABILITIES.—The local board shall annually assess the*  
 22          *physical and programmatic accessibility, in accord-*  
 23          *ance with section 288 and applicable provisions of the*  
 24          *Americans with Disabilities Act of 1990 (42 U.S.C.*  
 25          *12101 et seq.), of all one-stop centers in the local area.*

1       (e) *SUNSHINE PROVISION.*—*The local board shall make*  
 2 *available to the public, on a regular basis through electronic*  
 3 *means and open meetings, information regarding the ac-*  
 4 *tivities of the local board, including information regarding*  
 5 *the local plan prior to submission of the plan, and regard-*  
 6 *ing membership, the designation and certification of one-*  
 7 *stop operators, and the award of grants or contracts to eligi-*  
 8 *ble providers of youth workforce investment activities, and*  
 9 *on request, minutes of formal meetings of the local board.*

10       (f) *STAFF.*—

11               (1) *IN GENERAL.*—*The local board may hire a*  
 12 *director and other staff.*

13               (2) *LIMITATION ON RATE.*—*The director and*  
 14 *staff described in paragraph (1) shall be subject to the*  
 15 *limitations on the payment of salaries and bonuses*  
 16 *described in section 294(15).*

17       (g) *LIMITATIONS.*—

18               (1) *TRAINING SERVICES.*—

19                       (A) *IN GENERAL.*—*Except as provided in*  
 20 *subparagraph (B), no local board may provide*  
 21 *training services.*

22                       (B) *WAIVERS OF TRAINING PROHIBITION.*—  
 23 *The Governor of the State in which a local board*  
 24 *is located may, pursuant to a request from the*  
 25 *local board, grant a written waiver of the prohi-*

1            *bition set forth in subparagraph (A) (relating to*  
2            *the provision of training services) for a program*  
3            *of training services, if the local board—*

4                    *(i) submits to the Governor a proposed*  
5                    *request for the waiver that includes—*

6                            *(I) satisfactory evidence that there*  
7                            *is an insufficient number of eligible*  
8                            *providers of such a program of train-*  
9                            *ing services to meet local demand in*  
10                           *the local area;*

11                           *(II) information demonstrating*  
12                           *that the board meets the requirements*  
13                           *for an eligible provider of training*  
14                           *services under section 222; and*

15                           *(III) information demonstrating*  
16                           *that the program of training services*  
17                           *prepares participants for an in-de-*  
18                           *mand industry sector or occupation in*  
19                           *the local area;*

20                           *(ii) makes the proposed request avail-*  
21                           *able to eligible providers of training services*  
22                           *and other interested members of the public*  
23                           *for a public comment period of not less than*  
24                           *30 days; and*

1                   (iii) includes, in the final request for  
2                   the waiver, the evidence and information  
3                   described in clause (i) and the comments re-  
4                   ceived pursuant to clause (ii).

5                   (C) *DURATION.*—A waiver granted to a  
6                   local board under subparagraph (B) shall apply  
7                   for a period that shall not exceed the duration of  
8                   the local plan. The waiver may be renewed for  
9                   additional periods under subsequent local plans,  
10                  not to exceed the durations of such subsequent  
11                  plans, pursuant to requests from the local board,  
12                  if the board meets the requirements of subpara-  
13                  graph (B) in making the requests.

14                  (D) *REVOCATION.*—The Governor shall have  
15                  the authority to revoke the waiver during the ap-  
16                  propriate period described in subparagraph (C)  
17                  if the Governor determines the waiver is no  
18                  longer needed or that the local board involved  
19                  has engaged in a pattern of inappropriate refer-  
20                  rals to training services operated by the local  
21                  board.

22                  (2) *CORE SERVICES; INTENSIVE SERVICES; DES-*  
23                  *IGNATION OR CERTIFICATION AS ONE-STOP OPERA-*  
24                  *TORS.*—A local board may provide core services de-  
25                  scribed in section 234(c)(2) or intensive services de-

1 *scribed in section 234(c)(3) through a one-stop deliv-*  
 2 *ery system or be designated or certified as a one-stop*  
 3 *operator only with the agreement of the chief elected*  
 4 *official in the local area and the Governor.*

5 *(3) LIMITATION ON AUTHORITY.—Nothing in this*  
 6 *Act shall be construed to provide a local board with*  
 7 *the authority to mandate curricula for schools.*

8 *(h) CONFLICT OF INTEREST.—A member of a local*  
 9 *board, or a member of a standing committee, may not—*

10 *(1) vote on a matter under consideration by the*  
 11 *local board—*

12 *(A) regarding the provision of services by*  
 13 *such member (or by an entity that such member*  
 14 *represents); or*

15 *(B) that would provide direct financial ben-*  
 16 *efit to such member or the immediate family of*  
 17 *such member; or*

18 *(2) engage in any other activity determined by*  
 19 *the Governor to constitute a conflict of interest as*  
 20 *specified in the State plan.*

21 *(i) ALTERNATIVE ENTITY.—*

22 *(1) IN GENERAL.—For purposes of complying*  
 23 *with subsections (a), (b), and (c), a State may use*  
 24 *any local entity (including a local council, regional*

1       *workforce development board, or similar entity)*  
 2       *that—*

3               *(A) is established to serve the local area (or*  
 4               *the service delivery area that most closely cor-*  
 5               *responds to the local area);*

6               *(B) was in existence on August 7, 1998,*  
 7               *pursuant to State law; and*

8               *(C) includes—*

9                       *(i) representatives of business in the*  
 10                      *local area; and*

11                     *(ii)(I) representatives of labor organi-*  
 12                     *zations (for a local area in which employees*  
 13                     *are represented by labor organizations),*  
 14                     *nominated by local labor federations; or*

15                     *(II) other representatives of employees*  
 16                     *in the local area (for a local area in which*  
 17                     *no employees are represented by such orga-*  
 18                     *nizations).*

19               (2) *REFERENCES.—A reference in this Act or a*  
 20               *core program provision to a local board, shall include*  
 21               *a reference to such an entity.*

22   **SEC. 118. LOCAL PLAN.**

23               (a) *IN GENERAL.—Each local board shall develop and*  
 24               *submit to the Governor a comprehensive 4-year local plan,*  
 25               *in partnership with the chief elected official. The local plan*



1 *shall support the strategy described in the State plan in*  
 2 *accordance with section 112(b)(1)(F), and otherwise be con-*  
 3 *sistent with the State plan. If the local area is part of a*  
 4 *planning region, the local board shall comply with section*  
 5 *116(c)(1)(A) in the preparation and submission of a re-*  
 6 *gional plan. At the end of the first 2-year period of the 4-*  
 7 *year local plan, each local board shall review the local plan*  
 8 *and the local board, in partnership with the chief elected*  
 9 *official, shall prepare and submit modifications to the local*  
 10 *plan to reflect changes in labor market and economic condi-*  
 11 *tions or in other factors affecting the implementation of the*  
 12 *local plan.*

13 *(b) CONTENTS.—The local plan shall include—*

14 *(1) a description of the strategic planning ele-*  
 15 *ments consisting of—*

16 *(A) an analysis of the regional economic*  
 17 *conditions including—*

18 *(i) existing and emerging in-demand*  
 19 *industry sectors and occupations; and*

20 *(ii) the employment needs of employers*  
 21 *in those industry sectors and occupations;*

22 *(B) an analysis of the knowledge and skills*  
 23 *needed to meet the employment needs of the em-*  
 24 *ployers in the region, including employment*

1       *needs in in-demand industry sectors and occupa-*  
2       *tions;*

3               *(C) an analysis of the workforce in the re-*  
4       *gion, including current labor force employment*  
5       *(and unemployment) data, and information on*  
6       *labor market trends, and the educational and*  
7       *skill levels of the workforce in the region, includ-*  
8       *ing individuals with barriers to employment;*

9               *(D) an analysis of the workforce develop-*  
10       *ment activities (including education and train-*  
11       *ing) in the region, including an analysis of the*  
12       *strengths and weaknesses of such services, and*  
13       *the capacity to provide such services, to address*  
14       *the identified education and skill needs of the*  
15       *workforce and the employment needs of employ-*  
16       *ers in the region;*

17               *(E) a description of the local board's stra-*  
18       *tegic vision and goals for preparing an educated*  
19       *and skilled workforce (including youth and indi-*  
20       *viduals with barriers to employment), including*  
21       *goals relating to the performance accountability*  
22       *measures based on primary indicators of per-*  
23       *formance described in section 131(b)(2)(A) in*  
24       *order to support regional economic growth and*  
25       *economic self-sufficiency; and*

1           (F) taking into account analyses described  
2           in subparagraphs (A) through (D), a strategy to  
3           work with the entities that carry out the core  
4           programs to align resources available to the local  
5           area, to achieve the strategic vision and goals de-  
6           scribed in subparagraph (E);

7           (2) a description of the workforce development  
8           system in the local area that identifies the programs  
9           that are included in that system and how the local  
10          board will work with the entities carrying out core  
11          programs and other workforce development programs  
12          to support alignment to provide services, including  
13          programs of study authorized under the Carl D. Per-  
14          kins Career and Technical Education Act of 2006 (20  
15          U.S.C. 2301 et seq.), that support the strategy identi-  
16          fied in the State plan under section 112(b)(1)(F);

17          (3) a description of how the local board, working  
18          with the entities carrying out core programs, will ex-  
19          pand access to employment, training, education, and  
20          supportive services for eligible individuals, particu-  
21          larly eligible individuals with barriers to employ-  
22          ment, including how the local board will facilitate the  
23          development of career pathways and co-enrollment, as  
24          appropriate, in core programs;

1           (4) *a description of the strategies and services*  
2       *that will be used in the local area—*

3           (A) *in order to—*

4               (i) *facilitate engagement of employers,*  
5               *including small employers and employers in*  
6               *in-demand industry sectors and occupa-*  
7               *tions, in workforce development programs;*

8               (ii) *support a local workforce develop-*  
9               *ment system that meets the needs of busi-*  
10              *nesses in the local area;*

11              (iii) *better coordinate workforce devel-*  
12              *opment programs and economic develop-*  
13              *ment; and*

14              (iv) *strengthen linkages between the*  
15              *one-stop delivery system and unemployment*  
16              *insurance programs; and*

17           (B) *that may include the implementation of*  
18           *initiatives such as incumbent worker training*  
19           *programs, on-the-job training programs, cus-*  
20           *tomized training programs, industry and sector*  
21           *strategies, career pathways initiatives, utiliza-*  
22           *tion of effective business intermediaries, and*  
23           *other business services and strategies, designed to*  
24           *meet the needs of employers in the corresponding*

1           *region in support of the strategy described in*  
2           *paragraph (1)(F);*

3           *(5) a description of how the local board will co-*  
4           *ordinate workforce investment activities carried out*  
5           *in the local area with economic development activities*  
6           *carried out in the region in which the local area is*  
7           *located (or planning region), and promote entrepre-*  
8           *neurial skills training and microenterprise services;*

9           *(6) a description of the one-stop delivery system*  
10          *in the local area, including—*

11           *(A) a description of how the local board will*  
12           *ensure the continuous improvement of eligible*  
13           *providers of services through the system and en-*  
14           *sure that such providers meet the employment*  
15           *needs of local employers, and workers and job-*  
16           *seekers;*

17           *(B) a description of how the local board*  
18           *will facilitate access to services provided through*  
19           *the one-stop delivery system, including in remote*  
20           *areas, through the use of technology and through*  
21           *other means;*

22           *(C) a description of how entities within the*  
23           *one-stop delivery system, including one-stop op-*  
24           *erators and the one-stop partners, will comply*  
25           *with section 288 and applicable provisions of the*

1       *Americans with Disabilities Act of 1990 (42*  
2       *U.S.C. 12101 et seq.) regarding the physical and*  
3       *programmatic accessibility of facilities, pro-*  
4       *grams and services, technology, and materials for*  
5       *individuals with disabilities, including pro-*  
6       *viding staff training and support for addressing*  
7       *the needs of individuals with disabilities; and*

8               *(D) a description of the roles and resource*  
9               *contributions of the one-stop partners;*

10              *(7) a description and assessment of the type and*  
11              *availability of adult and dislocated worker employ-*  
12              *ment and training activities in the local area;*

13              *(8) a description of how the local board will co-*  
14              *ordinate workforce investment activities carried out*  
15              *in the local area with statewide rapid response activi-*  
16              *ties, as described in section 234(a)(2)(A);*

17              *(9) a description and assessment of the type and*  
18              *availability of youth workforce investment activities*  
19              *in the local area, including activities for youth who*  
20              *are individuals with disabilities, which description*  
21              *and assessment shall include an identification of suc-*  
22              *cessful models of such youth workforce investment ac-*  
23              *tivities;*

24              *(10) a description of how the local board will co-*  
25              *ordinate education and workforce investment activi-*

1        *ties carried out in the local area with relevant sec-*  
2        *ondary and postsecondary education programs and*  
3        *activities to coordinate strategies, enhance services,*  
4        *and avoid duplication of services;*

5            *(11) a description of how the local board will co-*  
6        *ordinate workforce investment activities carried out*  
7        *under this title or title II in the local area with the*  
8        *provision of transportation, including public trans-*  
9        *portation, and other appropriate supportive services*  
10       *in the local area;*

11           *(12) a description of plans and strategies for,*  
12        *and assurances concerning, maximizing coordination*  
13        *of services provided by the State employment service*  
14        *under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)*  
15        *and services provided in the local area through the*  
16        *one-stop delivery system, to improve service delivery*  
17        *and avoid duplication of services;*

18           *(13) a description of how the local board will co-*  
19        *ordinate workforce investment activities carried out*  
20        *under this title or title II in the local area with the*  
21        *provision of adult education and literacy activities*  
22        *under title III in the local area, including a descrip-*  
23        *tion of how the local board will carry out, consistent*  
24        *with subparagraphs (A) and (B)(i) of section*

1       117(d)(11) and section 332, the review of local appli-  
2       cations submitted under title III;

3           (14) a description of the replicated cooperative  
4       agreements (as defined in section 117(d)(11)) between  
5       the local board or other local entities described in sec-  
6       tion 101(a)(11)(B) of the Rehabilitation Act of 1973  
7       (29 U.S.C. 721(a)(11)(B)) and the local office of a  
8       designated State agency or designated State unit ad-  
9       ministering programs carried out under title I of such  
10      Act (29 U.S.C. 720 et seq.) (other than section 112 or  
11      part C of that title (29 U.S.C. 732, 741) and subject  
12      to section 221(f)) in accordance with section  
13      101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with  
14      respect to efforts that will enhance the provision of  
15      services to individuals with disabilities and to other  
16      individuals, such as cross training of staff, technical  
17      assistance, use and sharing of information, coopera-  
18      tive efforts with employers, and other efforts at co-  
19      operation, collaboration, and coordination;

20           (15) an identification of the entity responsible  
21      for the disbursal of grant funds described in section  
22      117(d)(12)(B)(i)(III), as determined by the chief  
23      elected official or the Governor under section  
24      117(d)(12)(B)(i);



1           (16) a description of the competitive process to  
2       be used to award the subgrants and contracts in the  
3       local area for activities carried out under title I or  
4       title II;

5           (17) a description of the local levels of perform-  
6       ance negotiated with the Governor and chief elected  
7       official pursuant to section 131(c), to be used to meas-  
8       ure the performance of the local area and to be used  
9       by the local board for measuring the performance of  
10      the local fiscal agent (where appropriate), eligible  
11      providers under title II, and the one-stop delivery sys-  
12      tem, in the local area;

13          (18) a description of the actions the local board  
14      will take toward becoming or remaining a high-per-  
15      forming board, consistent with the factors developed  
16      by the State board pursuant to section 111(d)(6);

17          (19) a description of how training services under  
18      chapter 3 of subtitle B of title II will be provided in  
19      accordance with section 234(c)(4)(G), including, if  
20      contracts for the training services will be used, how  
21      the use of such contracts will be coordinated with the  
22      use of individual training accounts under that chap-  
23      ter and how the local board will ensure informed cus-  
24      tomer choice in the selection of training programs re-

1       *ardless of how the training services are to be pro-*  
2       *vided;*

3           *(20) a description of the process used by the local*  
4       *board, consistent with subsection (c), to provide an*  
5       *opportunity for public comment, including comment*  
6       *by representatives of businesses and comment by rep-*  
7       *resentatives of labor organizations, and input into the*  
8       *development of the local plan, prior to submission of*  
9       *the plan;*

10          *(21) a description of how one-stop centers are*  
11       *implementing and transitioning to an integrated,*  
12       *technology-enabled intake and case management in-*  
13       *formation system for programs carried out under the*  
14       *Act and programs carried out by one-stop partners;*  
15       *and*

16          *(22) such other information as the Governor may*  
17       *require.*

18       *(c) PROCESS.—Prior to the date on which the local*  
19       *board submits a local plan under this section, the local*  
20       *board shall—*

21           *(1) make available copies of a proposed local*  
22       *plan to the public through electronic and other means,*  
23       *such as public hearings and local news media;*

24           *(2) allow members of the public, including rep-*  
25       *resentatives of business, representatives of labor orga-*

1       nizations, and representatives of education to submit  
 2       to the local board comments on the proposed local  
 3       plan, not later than the end of the 30-day period be-  
 4       ginning on the date on which the proposed local plan  
 5       is made available; and

6               (3) include with the local plan submitted to the  
 7       Governor under this section any such comments that  
 8       represent disagreement with the plan.

9       (d) *PLAN SUBMISSION AND APPROVAL.*—A local plan  
 10      submitted to the Governor under this section (including a  
 11      modification to such a local plan) shall be considered to  
 12      be approved by the Governor at the end of the 90-day period  
 13      beginning on the day the Governor receives the plan (in-  
 14      cluding such a modification), unless the Governor makes  
 15      a written determination during the 90-day period that—

16              (1) deficiencies in activities carried out under  
 17      this title or subtitle B of title II have been identified,  
 18      through audits conducted under section 284 or other-  
 19      wise, and the local area has not made acceptable  
 20      progress in implementing corrective measures to ad-  
 21      dress the deficiencies;

22              (2) the plan does not comply with the applicable  
 23      provisions of this Act; or

24              (3) the plan does not align with the State plan,  
 25      including failing to provide for alignment of the core

1        *programs to support the strategy identified in the*  
 2        *State plan in accordance with section 112(b)(1)(F).*

### 3        **CHAPTER 3—GENERAL PROVISIONS**

#### 4        **SEC. 121. QUALIFICATIONS FOR DIRECTORS.**

##### 5        *(a) DEVELOPMENT OF GUIDELINES.—*

6                *(1) DEVELOPMENT.—Not later than 3 months*  
 7        *after the date of enactment of this Act, the Secretary*  
 8        *of Labor, in consultation with the Secretary of Edu-*  
 9        *cation, shall initiate a process to develop guidelines*  
 10       *for qualifications for the position of director (which*  
 11       *may be known as an executive director or chief execu-*  
 12       *tive officer, or by a similar title) of State boards and*  
 13       *local boards, which may be used by State boards or*  
 14       *local boards as the State boards or local boards deter-*  
 15       *mine appropriate.*

16               *(2) CONSULTATION.—The Secretary shall solicit*  
 17       *and consider advice from a diverse set of parties,*  
 18       *drawn from each of the following groups:*

19               *(A) Representatives of Federal, State, re-*  
 20       *gional, and local officials responsible for the ad-*  
 21       *ministration of one-stop partner programs, as*  
 22       *well as other workforce development programs*  
 23       *the Secretary determines are appropriate.*

1                   (B) *Representatives of State boards and*  
 2                   *local boards, including representatives of the di-*  
 3                   *rectors of such boards.*

4                   (C) *Individuals with relevant expertise in*  
 5                   *workforce development representing entities such*  
 6                   *as national associations and organizations, aca-*  
 7                   *demic and research organizations, labor organi-*  
 8                   *zations, businesses and business organizations,*  
 9                   *economic development entities, institutions of*  
 10                   *higher education, community-based organiza-*  
 11                   *tions and intermediaries, and philanthropic or-*  
 12                   *ganizations.*

13               (3) *QUALIFICATIONS.—In developing guidelines*  
 14               *for qualifications for the directors of State boards and*  
 15               *local boards under this section, the Secretary shall*  
 16               *analyze and determine the requisite knowledge, skills,*  
 17               *and abilities necessary to assist the boards in car-*  
 18               *rying out the functions described in, as appropriate,*  
 19               *sections 111(d) and 117(d) and necessary for under-*  
 20               *standing and leading workforce development systems.*

21               (b) *IDENTIFICATION OF GUIDELINES.—Not later than*  
 22               *15 months after the date of enactment of this Act, the Sec-*  
 23               *retary of Labor, in consultation with the Secretary of Edu-*  
 24               *cation, shall identify the guidelines for qualifications the*  
 25               *Secretary of Labor determines are appropriate for the direc-*

1 *tors of State boards and local boards and shall disseminate*  
 2 *such guidelines to the public, Governors, and chief elected*  
 3 *officials, and to State boards and local boards for their con-*  
 4 *sideration and use in hiring such directors. The Secretary*  
 5 *of Labor may provide technical assistance to State boards*  
 6 *and local boards relating to the use of such guidelines.*

7 *(c) PERIODIC REVIEW.—The Secretary of Labor, in*  
 8 *consultation with the Secretary of Education, shall periodi-*  
 9 *cally review the guidelines identified under this section for*  
 10 *qualifications for the directors of State boards and local*  
 11 *boards and, after consultation with the individuals ref-*  
 12 *erenced in subsection (a)(2), may issue such revised guide-*  
 13 *lines, in accordance with this section, as the Secretary de-*  
 14 *termines to be appropriate.*

15 **SEC. 122. FUNDING OF STATE AND LOCAL BOARDS.**

16 *(a) STATE BOARDS.—In funding a State board under*  
 17 *this subtitle, a State—*

18 *(1) shall use funds available as described in sec-*  
 19 *tion 229(b)(2) or 234(a)(3)(B); and*

20 *(2) may use non-Federal funds available to the*  
 21 *State that the State determines are appropriate and*  
 22 *available for that use.*

23 *(b) LOCAL BOARDS.—In funding a local board under*  
 24 *this subtitle, the chief elected official and local board for*  
 25 *the local area—*

1           (1) *shall use funds available as described in sec-*  
 2           *tion 228(b)(4); and*

3           (2) *may use non-Federal funds available to the*  
 4           *local area that the chief elected official and local*  
 5           *board determine are appropriate and available for*  
 6           *that use.*

7   ***Subtitle B—Workforce Development***  
 8   ***Performance Accountability System***

9   ***SEC. 131. PERFORMANCE ACCOUNTABILITY SYSTEM.***

10       (a) *PURPOSE.—The purpose of this section is to estab-*  
 11       *lish performance accountability measures that apply—*

12           (1) *across the core programs to assess the effec-*  
 13           *tiveness of States in achieving positive outcomes for*  
 14           *individuals served by those programs; and*

15           (2) *across the title II core programs to assess the*  
 16           *effectiveness of local areas in achieving positive out-*  
 17           *comes for individuals served by those programs.*

18       (b) *STATE PERFORMANCE ACCOUNTABILITY MEAS-*  
 19       *URES.—*

20           (1) *IN GENERAL.—For each State, the perform-*  
 21           *ance accountability measures for the core programs*  
 22           *shall consist of—*

23                   (A)(i) *the primary indicators of perform-*  
 24                   *ance described in paragraph (2)(A); and*

1           (ii) the additional indicators of perform-  
 2           ance (if any) identified by the State under para-  
 3           graph (2)(B); and

4           (B) a State adjusted level of performance  
 5           for each indicator described in subparagraph  
 6           (A).

7           (2) INDICATORS OF PERFORMANCE.—

8           (A) PRIMARY INDICATORS OF PERFORM-  
 9           ANCE.—

10           (i) IN GENERAL.—The State primary  
 11           indicators of performance for activities pro-  
 12           vided under the adult and dislocated worker  
 13           programs authorized under chapter 3 of  
 14           subtitle B of title II, the program of adult  
 15           education and literacy activities authorized  
 16           under title III, the employment services pro-  
 17           gram authorized under sections 1 through  
 18           13 of the Wagner-Peyser Act (29 U.S.C. 49  
 19           et seq.) (except that subclauses (IV) and (V)  
 20           shall not apply to such program), and the  
 21           program authorized under title I of the Re-  
 22           habilitation Act of 1973 (29 U.S.C. 720 et  
 23           seq.), other than section 112 or part C of  
 24           that title (29 U.S.C. 732, 741), shall consist  
 25           of—



1           (I) the percentage of program par-  
2           ticipants who are employed during the  
3           second quarter after exit from the pro-  
4           gram;

5           (II) the percentage of program  
6           participants who are employed during  
7           the fourth quarter after exit from the  
8           program;

9           (III) the median earnings of pro-  
10          gram participants who are employed  
11          during the second quarter after exit  
12          from the program;

13          (IV) the percentage of program  
14          participants who obtain a recognized  
15          postsecondary credential, or a sec-  
16          ondary school diploma or its recog-  
17          nized equivalent (subject to clause  
18          (iii)), during participation in or with-  
19          in 1 year after exit from the program;

20          (V) the percentage of program  
21          participants who, during a program  
22          year, are in an education or training  
23          program that leads to a recognized  
24          postsecondary credential or employ-  
25          ment and who are achieving measur-

1            *able skill gains toward such a creden-*  
 2            *tial or employment; and*

3                    *(VI) the indicators of effectiveness*  
 4            *in serving employers established pursu-*  
 5            *ant to clause (iv).*

6            *(ii) PRIMARY INDICATORS FOR ELIGI-*  
 7            *BLE YOUTH.—The primary indicators of*  
 8            *performance for the youth program author-*  
 9            *ized under chapter 2 of subtitle B of title II*  
 10           *shall consist of—*

11                    *(I) the percentage of program par-*  
 12            *ticipants who are in education or*  
 13            *training activities, or employed, dur-*  
 14            *ing the second quarter after exit from*  
 15            *the program;*

16                    *(II) the percentage of program*  
 17            *participants who are in education or*  
 18            *training activities, or employed, dur-*  
 19            *ing the fourth quarter after exit from*  
 20            *the program;*

21                    *(III) the median earnings of pro-*  
 22            *gram participants who are employed*  
 23            *during the second quarter after exit*  
 24            *from the program;*

1           (IV) *the percentage of program*  
 2           *participants who obtain a recognized*  
 3           *postsecondary credential or a sec-*  
 4           *ondary school diploma or its recog-*  
 5           *nized equivalent subject to clause (iii),*  
 6           *during participation in or within 1*  
 7           *year after exit from the program;*

8           (V) *the percentage of program*  
 9           *participants who, during a program*  
 10          *year, are in an education or training*  
 11          *program that leads to a recognized*  
 12          *postsecondary credential or employ-*  
 13          *ment and who are achieving measur-*  
 14          *able skill gains toward such a creden-*  
 15          *tial or employment; and*

16          (VI) *the indicators of effectiveness*  
 17          *in serving employers established pursu-*  
 18          *ant to clause (iv).*

19          (iii) *INDICATOR RELATING TO CREDEN-*  
 20          *TIAL.—For purposes of clause (i)(IV) or*  
 21          *(ii)(IV), program participants who obtain a*  
 22          *secondary school diploma or its recognized*  
 23          *equivalent shall be included in the percent-*  
 24          *age counted as meeting the criterion under*  
 25          *such clause only if such participants, in ad-*

dition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

(iv) *INDICATOR FOR SERVICES TO EMPLOYERS.*—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI) and (ii)(VI), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (h)(2), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

(B) *ADDITIONAL INDICATORS.*—A State may identify in the State plan additional performance accountability indicators.

(3) *LEVELS OF PERFORMANCE.*—

(A) *STATE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS.*—

1           (i) *IN GENERAL.*—For each State sub-  
2           mitting a State plan, there shall be estab-  
3           lished, in accordance with this subpara-  
4           graph, levels of performance for each of the  
5           corresponding primary indicators of per-  
6           formance described in paragraph (2) for  
7           each of the programs described in clause  
8           (ii).

9           (ii) *INCLUDED PROGRAMS.*—The pro-  
10          grams included under clause (i) are—

11               (I) the youth program authorized  
12               under chapter 2 of subtitle B of title  
13               II;

14               (II) the adult program authorized  
15               under chapter 3 of subtitle B of title  
16               II;

17               (III) the dislocated worker author-  
18               ized under chapter 3 of subtitle B of  
19               title II;

20               (IV) the program of adult edu-  
21               cation and literacy activities author-  
22               ized under title III;

23               (V) the employment services pro-  
24               gram authorized under sections 1

1 *through 13 of the Wagner-Peyser Act*  
 2 *(29 U.S.C. 49 et seq.); and*

3 *(VI) the program authorized*  
 4 *under title I of the Rehabilitation Act*  
 5 *of 1973 (29 U.S.C. 720 et seq.), other*  
 6 *than section 112 or part C of that title*  
 7 *(29 U.S.C. 732, 741).*

8 *(iii) IDENTIFICATION IN STATE*  
 9 *PLAN.—Each State shall identify, in the*  
 10 *State plan, expected levels of performance*  
 11 *for each of the corresponding primary indi-*  
 12 *cators of performance for each of the pro-*  
 13 *grams described in clause (ii) for the first*  
 14 *2 program years covered by the State plan.*

15 *(iv) AGREEMENT ON STATE ADJUSTED*  
 16 *LEVELS OF PERFORMANCE.—*

17 *(I) FIRST 2 YEARS.—The State*  
 18 *shall reach agreement with the Sec-*  
 19 *retary of Labor and the Secretary of*  
 20 *Education on levels of performance for*  
 21 *each indicator described in clause (iii)*  
 22 *for each of the programs described in*  
 23 *clause (ii) for each of the first 2 pro-*  
 24 *gram years covered by the State plan.*  
 25 *In reaching the agreement, the State*

1                   *and Secretaries shall take into account*  
2                   *the levels identified in the State plan*  
3                   *under clause (iii) and the factors de-*  
4                   *scribed in clause (v). The levels agreed*  
5                   *to shall be considered to be the State*  
6                   *adjusted levels of performance for the*  
7                   *State for such program years and shall*  
8                   *be incorporated into the State plan*  
9                   *prior to the approval of such plan.*

10                   (II) *THIRD AND FOURTH YEAR.—*

11                   *The State and the Secretaries shall*  
12                   *reach agreement, prior to the third*  
13                   *program year covered by the State*  
14                   *plan, on levels of performance for each*  
15                   *indicator described in clause (iii) for*  
16                   *each of the programs described in*  
17                   *clause (ii) for each of the third and*  
18                   *fourth program years covered by the*  
19                   *State plan. In reaching the agreement,*  
20                   *the State and Secretaries shall take*  
21                   *into account the factors described in*  
22                   *clause (v). The levels agreed to shall be*  
23                   *considered to be the State adjusted lev-*  
24                   *els of performance for the State for*  
25                   *such program years and shall be incor-*

1                   porated into the State plan as a modi-  
2                   fication to the plan.

3                   (v) *FACTORS*.—In reaching the agree-  
4                   ments described in clause (iv), the State  
5                   and Secretaries shall—

6                   (I) take into account how the lev-  
7                   els involved compare with the State ad-  
8                   justed levels of performance established  
9                   for other States;

10                  (II) ensure that the levels involved  
11                  are adjusted, using the objective statis-  
12                  tical model established by the Secre-  
13                  taries pursuant to clause (viii), based  
14                  on—

15                  (aa) the differences among  
16                  States in actual economic condi-  
17                  tions (including differences in un-  
18                  employment rates and job losses  
19                  or gains in particular industries);  
20                  and

21                  (bb) the characteristics of  
22                  participants when the partici-  
23                  pants entered the program in-  
24                  volved, including indicators of  
25                  poor work history, lack of work



1                    *experience, lack of educational or*  
 2                    *occupational skills attainment,*  
 3                    *dislocation from high-wage and*  
 4                    *high-benefit employment, low lev-*  
 5                    *els of literacy or English pro-*  
 6                    *ficiency, disability status, home-*  
 7                    *lessness, ex-offender status, and*  
 8                    *welfare dependency;*

9                    *(III) take into account the extent*  
 10                   *to which the levels involved promote*  
 11                   *continuous improvement in perform-*  
 12                   *ance accountability on the performance*  
 13                   *accountability measures by such State*  
 14                   *and ensure optimal return on the in-*  
 15                   *vestment of Federal funds; and*

16                   *(IV) take into account the extent*  
 17                   *to which the levels involved will assist*  
 18                   *the State in meeting the goals described*  
 19                   *in clause (vi).*

20                   *(vi) GOALS.—In order to promote en-*  
 21                   *hanced performance outcomes and to facili-*  
 22                   *tate the process of reaching agreements with*  
 23                   *the States under clause (iv), the Secretary*  
 24                   *of Labor and the Secretary of Education*  
 25                   *shall establish performance goals for the core*

1            *programs, in accordance with the Govern-*  
 2            *ment Performance and Results Act of 1993*  
 3            *(Public Law 103–62; 107 Stat. 285) and*  
 4            *the amendments made by that Act, and in*  
 5            *consultation with States and other appro-*  
 6            *priate parties. Such goals shall be long-term*  
 7            *goals for the adjusted levels of performance*  
 8            *to be achieved by each of the programs de-*  
 9            *scribed in clause (ii) regarding the cor-*  
 10           *responding primary indicators of perform-*  
 11           *ance described in paragraph (2)(A).*

12            *(vii) REVISIONS BASED ON ECONOMIC*  
 13            *CONDITIONS AND INDIVIDUALS SERVED DUR-*  
 14            *ING THE PROGRAM YEAR.—The Secretary of*  
 15            *Labor and the Secretary of Education shall,*  
 16            *in accordance with the objective statistical*  
 17            *model developed pursuant to clause (viii),*  
 18            *revise the State adjusted levels of perform-*  
 19            *ance applicable for each of the programs de-*  
 20            *scribed in clause (ii), for a program year*  
 21            *and a State, to reflect the actual economic*  
 22            *conditions and characteristics of partici-*  
 23            *pants (as described in clause (v)(II)) in*  
 24            *that program during such program year in*  
 25            *such State.*

1                   (viii)     *STATISTICAL     ADJUSTMENT*  
 2                   *MODEL.—The Secretary of Labor and the*  
 3                   *Secretary of Education, after consultation*  
 4                   *with the representatives described in sub-*  
 5                   *section (h)(2), shall develop and disseminate*  
 6                   *an objective statistical model that will be*  
 7                   *used to make the adjustments in the State*  
 8                   *adjusted levels of performance for actual*  
 9                   *economic conditions and characteristics of*  
 10                   *participants under clauses (v) and (vii).*

11                   (B) *LEVELS OF PERFORMANCE FOR ADDI-*  
 12                   *TIONAL INDICATORS.—The State may identify,*  
 13                   *in the State plan, State levels of performance for*  
 14                   *each of the additional indicators identified under*  
 15                   *paragraph (2)(B). Such levels shall be considered*  
 16                   *to be State adjusted levels of performance for*  
 17                   *purposes of this section.*

18                   (c) *LOCAL PERFORMANCE ACCOUNTABILITY MEAS-*  
 19                   *URES FOR TITLE II.—*

20                   (1) *IN GENERAL.—For each local area in a State*  
 21                   *designated under section 116, the local performance*  
 22                   *accountability measures for each of the programs de-*  
 23                   *scribed in subclauses (I) through (III) of subsection*  
 24                   *(b)(3)(A)(ii) shall consist of—*

1           (A)(i) *the primary indicators of perform-*  
 2           *ance described in subsection (b)(2)(A) that are*  
 3           *applicable to such programs; and*

4           (ii) *additional indicators of performance, if*  
 5           *any, identified by the State for such programs*  
 6           *under subsection (b)(2)(B); and*

7           (B) *the local level of performance for each*  
 8           *indicator described in subparagraph (A).*

9           (2) *LOCAL LEVEL OF PERFORMANCE.—The local*  
 10          *board, the chief elected official, and the Governor shall*  
 11          *negotiate and reach agreement on local levels of per-*  
 12          *formance based on the State adjusted levels of per-*  
 13          *formance established under subsection (b)(3)(A).*

14          (3) *ADJUSTMENT FACTORS.—In negotiating the*  
 15          *local levels of performance, the local board, the chief*  
 16          *elected official, and the Governor shall make adjust-*  
 17          *ments for the expected economic conditions and the*  
 18          *expected characteristics of participants to be served in*  
 19          *the local area, using the statistical adjustment model*  
 20          *developed pursuant to subsection (b)(3)(A)(viii). In*  
 21          *addition, the negotiated local levels of performance*  
 22          *applicable to a program year shall be revised to re-*  
 23          *fect the actual economic conditions experienced and*  
 24          *the characteristics of the populations served in the*

1        *local area during such program year using the statis-*  
 2        *tical adjustment model.*

3        *(d) PERFORMANCE REPORTS.—*

4            *(1) IN GENERAL.—Not later than 12 months*  
 5        *after the date of enactment of this Act, the Secretary*  
 6        *of Labor and the Secretary of Education shall jointly*  
 7        *develop a template for performance reports that shall*  
 8        *be used by States, local boards, and eligible providers*  
 9        *of training services under section 222 to report on*  
 10       *outcomes achieved by the core programs. In devel-*  
 11       *oping such templates, the Secretary of Labor and the*  
 12       *Secretary of Education will take into account the*  
 13       *need to maximize the value of the templates for work-*  
 14       *ers, jobseekers, employers, local elected officials, State*  
 15       *officials, Federal policymakers, and other key stake-*  
 16       *holders.*

17           *(2) CONTENTS OF STATE PERFORMANCE RE-*  
 18        *PORTS.—The performance report for a State shall in-*  
 19        *clude, subject to paragraph (5)(C)—*

20            *(A) information specifying the levels of per-*  
 21        *formance achieved with respect to the primary*  
 22        *indicators of performance described in subsection*  
 23        *(b)(2)(A) for each of the programs described in*  
 24        *subsection (b)(3)(A)(ii) and the State adjusted*

1        *levels of performance with respect to such indica-*  
2        *tors for each program;*

3                *(B) information specifying the levels of per-*  
4        *formance achieved with respect to the primary*  
5        *indicators of performance described in subsection*  
6        *(b)(2)(A) for each of the programs described in*  
7        *subsection (b)(3)(A)(ii) with respect to individ-*  
8        *uals with barriers to employment, disaggregated*  
9        *by each subpopulation of such individuals, and*  
10       *by race, ethnicity, sex, and age;*

11               *(C) the total number of participants served*  
12       *by each of the programs described in subsection*  
13       *(b)(3)(A)(ii), and the types of services provided;*

14               *(D) the number of individuals with barriers*  
15       *to employment served by each of the programs*  
16       *described in subsection (b)(3)(A)(ii),*  
17       *disaggregated by each subpopulation of such in-*  
18       *dividuals;*

19               *(E) the number of participants who are en-*  
20       *rolled in more than 1 of the programs described*  
21       *in subsection (b)(3)(A)(ii); and*

22               *(F) other information that facilitates com-*  
23       *parisons of programs with programs in other*  
24       *States.*

1           (3) *CONTENTS OF LOCAL AREA PERFORMANCE*  
2       *REPORTS.—The performance reports for a local area*  
3       *shall include, subject to paragraph (5)(C)—*

4                   (A) *information specifying the levels of per-*  
5                   *formance achieved with respect to the primary*  
6                   *indicators of performance described in subsection*  
7                   *(b)(2)(A) for each of the programs described in*  
8                   *subclauses (I) through (III) of subsection*  
9                   *(b)(3)(A)(ii), and the local adjusted levels of per-*  
10                  *formance with respect to such indicators for each*  
11                  *program;*

12                  (B) *information specifying the levels of per-*  
13                  *formance achieved with respect to the primary*  
14                  *indicators of performance described in subsection*  
15                  *(b)(2)(A) for each of the programs described in*  
16                  *subclauses (I) through (III) of subsection*  
17                  *(b)(3)(A)(ii) with respect to individuals with*  
18                  *barriers to employment, disaggregated by each*  
19                  *subpopulation of such individuals, and by race,*  
20                  *ethnicity, sex, and age;*

21                  (C) *the total number of participants served*  
22                  *by each of the programs described in subclauses*  
23                  *(I) through (III) of subsection (b)(3)(A)(ii), and*  
24                  *the types of services provided;*

1           (D) the number of individuals with barriers  
 2           to employment served by each of the programs  
 3           described in subclauses (I) through (III) of sub-  
 4           section (b)(3)(A)(ii), disaggregated by each sub-  
 5           population of such individuals;

6           (E) the number of participants who are en-  
 7           rolled in any of the programs described in sub-  
 8           clauses (I) through (III) of subsection  
 9           (b)(3)(A)(ii) who are enrolled in more than 1  
 10          program described in subsection (b)(3)(A)(ii);  
 11          and

12          (F) other information that facilitates com-  
 13          parisons of programs with programs in other  
 14          local areas (or planning regions, as appro-  
 15          priate).

16          (4) CONTENTS OF ELIGIBLE TRAINING PRO-  
 17          VIDERS PERFORMANCE REPORTS.—The performance  
 18          report for an eligible provider of training services  
 19          under section 222 shall include, subject to paragraph  
 20          (5)(C), with respect to each program of study (or the  
 21          equivalent) of such provider—

22               (A) information specifying the levels of per-  
 23               formance achieved with respect to the primary  
 24               indicators of performance described in subclauses  
 25               (I) through (IV) of subsection (b)(2)(A)(i) with



1       *respect to all individuals engaging in the pro-*  
 2       *gram of study (or the equivalent);*

3               *(B) the total number of individuals engag-*  
 4       *ing in the program of study (or the equivalent);*

5               *(C) the total number of participants served*  
 6       *by each of the adult program and the dislocated*  
 7       *worker program authorized under chapter 3 of*  
 8       *subtitle B of title II; and*

9               *(D) the number of individuals with barriers*  
 10       *to employment served by each of the adult pro-*  
 11       *gram and the dislocated worker program author-*  
 12       *ized under chapter 3 of subtitle B of title II,*  
 13       *disaggregated by each subpopulation of such in-*  
 14       *dividuals, and by race, ethnicity, sex, and age.*

15       *(5) PUBLICATION.—*

16               *(A) STATE PERFORMANCE REPORTS.—The*  
 17       *Secretary of Labor and the Secretary of Edu-*  
 18       *cation shall annually make available (including*  
 19       *by electronic means), in an easily understand-*  
 20       *able format, the performance reports for States*  
 21       *containing the information described in para-*  
 22       *graph (2).*

23               *(B) LOCAL AREA AND ELIGIBLE TRAINING*  
 24       *PROVIDER PERFORMANCE REPORTS.—The State*  
 25       *shall make available (including by electronic*

means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).

(C) *RULES FOR REPORTING OF DATA.*—The disaggregation of data under this subsection shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.

(D) *DISSEMINATION TO CONGRESS.*—The Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(e) *EVALUATION OF STATE PROGRAMS.*—

(1) *IN GENERAL.*—Using funds authorized under a core program and made available to carry out this

1        *section, the State, in coordination with local boards*  
2        *in the State and the State agencies responsible for the*  
3        *administration of the core programs, shall conduct*  
4        *ongoing evaluations of activities carried out in the*  
5        *State under such programs. The State, local boards,*  
6        *and State agencies shall conduct the evaluations in*  
7        *order to promote, establish, implement, and utilize*  
8        *methods for continuously improving core program ac-*  
9        *tivities in order to achieve high-level performance*  
10       *within, and high-level outcomes from, the workforce*  
11       *development system. The State shall coordinate the*  
12       *evaluations with the evaluations provided for by the*  
13       *Secretary of Labor and the Secretary of Education*  
14       *under section 270, section 342(c)(3)(E), and sections*  
15       *12(a)(5), 14, and 107 of the Rehabilitation Act of*  
16       *1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with*  
17       *respect to programs carried out under title I of that*  
18       *Act (29 U.S.C. 720 et seq.)) and the investigations*  
19       *provided for by the Secretary of Labor under section*  
20       *10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).*

21            *(2) DESIGN.—The evaluations conducted under*  
22        *this subsection shall be designed in conjunction with*  
23        *the State board, State agencies responsible for the ad-*  
24        *ministration of the core programs, and local boards*  
25        *and shall include analysis of customer feedback and*

1     *outcome and process measures in the statewide work-*  
 2     *force development system. The evaluations shall use*  
 3     *designs that employ the most rigorous analytical and*  
 4     *statistical methods that are reasonably feasible, such*  
 5     *as the use of control groups.*

6           (3) *RESULTS.—The State shall annually pre-*  
 7     *pare, submit to the State board and local boards in*  
 8     *the State, and make available to the public (including*  
 9     *by electronic means), reports containing the results of*  
 10    *evaluations conducted under this subsection, to pro-*  
 11    *mote the efficiency and effectiveness of the workforce*  
 12    *development system.*

13           (4) *COOPERATION WITH FEDERAL EVALUA-*  
 14    *TIONS.—The State shall, to the extent practicable, co-*  
 15    *operate in the conduct of evaluations (including re-*  
 16    *lated research projects) provided for by the Secretary*  
 17    *of Labor or the Secretary of Education under the pro-*  
 18    *visions of Federal law identified in paragraph (1).*  
 19    *Such cooperation shall include the provision of data*  
 20    *(in accordance with appropriate privacy protections*  
 21    *established by the Secretary of Labor), the provision*  
 22    *of responses to surveys, and allowing site visits in a*  
 23    *timely manner, for the Secretaries or their agents.*

24           (f) *SANCTIONS FOR STATE FAILURE TO MEET STATE*  
 25    *PERFORMANCE ACCOUNTABILITY MEASURES.—*

1 (1) *STATES.*—

2 (A) *TECHNICAL ASSISTANCE.*—*If a State*  
 3 *fails to meet the State adjusted levels of perform-*  
 4 *ance relating to indicators described in sub-*  
 5 *section (b)(2)(A) for a program for any program*  
 6 *year, the Secretary of Labor and the Secretary*  
 7 *of Education shall provide technical assistance,*  
 8 *including assistance in the development of a per-*  
 9 *formance improvement plan.*

10 (B) *REDUCTION IN AMOUNT OF GRANT.*—*If*  
 11 *such failure continues for a second consecutive*  
 12 *year, or if a State fails to submit a report under*  
 13 *subsection (d) for any program year, the Sec-*  
 14 *retary of Labor or the Secretary of Education, as*  
 15 *appropriate, may reduce by not more than 5*  
 16 *percent, the amount of the allotment that would*  
 17 *(in the absence of this paragraph) be payable to*  
 18 *the State under such program for the imme-*  
 19 *diately succeeding program year. Such penalty*  
 20 *shall be based on the degree of failure to meet*  
 21 *State adjusted levels of performance.*

22 (2) *FUNDS RESULTING FROM REDUCED ALLOT-*  
 23 *MENTS.*—*The Secretary of Labor or the Secretary of*  
 24 *Education, as appropriate, shall use any amount re-*  
 25 *tained, as a result of a reduction in an allotment to*

1        *a State made under paragraph (1)(B), to provide*  
 2        *technical assistance to the States the Secretaries deter-*  
 3        *mine to be appropriate to improve the performance of*  
 4        *their core programs.*

5        *(g) SANCTIONS FOR LOCAL AREA FAILURE TO MEET*  
 6        *LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—*

7                *(1) TECHNICAL ASSISTANCE.—If a local area*  
 8        *fails to meet local performance accountability meas-*  
 9        *ures established under subsection (c) for the youth,*  
 10        *adult, or dislocated worker program authorized under*  
 11        *chapter 2 or 3 of subtitle B of title II for a program*  
 12        *described in subsection (d)(2)(A) for any program*  
 13        *year, the Governor, or upon request by the Governor,*  
 14        *the Secretary of Labor, shall provide technical assist-*  
 15        *ance, which may include assistance in the develop-*  
 16        *ment of a performance improvement plan or the de-*  
 17        *velopment of a modified local plan (or regional plan).*

18                *(2) CORRECTIVE ACTIONS.—*

19                        *(A) IN GENERAL.—If such failure continues*  
 20        *for a second consecutive year, the Governor shall*  
 21        *take corrective actions, which shall include devel-*  
 22        *opment of a reorganization plan through which*  
 23        *the Governor may—*

24                                *(i) require the appointment and cer-*  
 25        *tification of a new local board, consistent*

1           *with the criteria established under section*  
2           *117(b)(1);*

3           *(ii) prohibit the use of eligible pro-*  
4           *viders and one-stop partners identified as*  
5           *achieving a poor level of performance;*

6           *(iii) redesignate the local area in ac-*  
7           *cordance with section 116; or*

8           *(iv) take such other actions as the Gov-*  
9           *ernor determines are appropriate.*

10          *(B) APPEAL BY LOCAL AREA.—*

11           *(i) APPEAL TO GOVERNOR.—The local*  
12           *board and chief elected official for a local*  
13           *area that is subject to a reorganization plan*  
14           *under subparagraph (A) may, not later*  
15           *than 30 days after receiving notice of the*  
16           *reorganization plan, appeal to the Governor*  
17           *to rescind or revise such plan. In such case,*  
18           *the Governor shall make a final decision not*  
19           *later than 30 days after the receipt of the*  
20           *appeal.*

21           *(ii) SUBSEQUENT ACTION.—The local*  
22           *board and chief elected official for a local*  
23           *area may, not later than 30 days after re-*  
24           *ceiving a decision from the Governor pursu-*  
25           *ant to clause (i), appeal such decision to the*

1           *Secretary of Labor. In such case, the Sec-*  
 2           *retary shall make a final decision not later*  
 3           *than 30 days after the receipt of the appeal.*

4           (C) *EFFECTIVE DATE.*—*The decision made*  
 5           *by the Governor under subparagraph (B)(i) shall*  
 6           *become effective at the time the Governor issues*  
 7           *the decision pursuant to such clause. Such deci-*  
 8           *sion shall remain effective unless the Secretary of*  
 9           *Labor rescinds or revises such plan pursuant to*  
 10          *subparagraph (B)(ii).*

11          (h) *DEFINITIONS OF INDICATORS OF PERFORMANCE.*—

12           (1) *IN GENERAL.*—*In order to ensure nationwide*  
 13          *comparability of performance data, the Secretary of*  
 14          *Labor and the Secretary of Education, after consulta-*  
 15          *tion with representatives described in paragraph (2),*  
 16          *shall issue definitions for the indicators described in*  
 17          *subsection (b)(2).*

18           (2) *REPRESENTATIVES.*—*The representatives re-*  
 19          *ferred to in paragraph (1) are representatives of*  
 20          *States and political subdivisions, business and indus-*  
 21          *try, employees, eligible providers of activities carried*  
 22          *out through the core programs, educators, researchers,*  
 23          *participants, the lead State agency officials with re-*  
 24          *sponsibility for the programs carried out through the*  
 25          *core programs, individuals with expertise in serving*



1       *individuals with barriers to employment, and other*  
 2       *interested parties.*

3       *(i) FISCAL AND MANAGEMENT ACCOUNTABILITY IN-*  
 4       *FORMATION SYSTEMS.—*

5               *(1) IN GENERAL.—Using funds authorized under*  
 6       *a core program and made available to carry out this*  
 7       *subtitle, the Governor, in coordination with the State*  
 8       *board, the State agencies administering the core pro-*  
 9       *grams, local boards, and chief elected officials in the*  
 10       *State, shall establish and operate a fiscal and man-*  
 11       *agement accountability information system based on*  
 12       *guidelines established by the Secretary of Labor and*  
 13       *the Secretary of Education after consultation with the*  
 14       *Governors of States, chief elected officials, and one-*  
 15       *stop partners. Such guidelines shall promote efficient*  
 16       *collection and use of fiscal and management informa-*  
 17       *tion for reporting and monitoring the use of funds*  
 18       *authorized under the core programs and for preparing*  
 19       *the annual report described in subsection (d).*

20               *(2) WAGE RECORDS.—In measuring the progress*  
 21       *of the State on State and local performance account-*  
 22       *ability measures, a State shall utilize quarterly wage*  
 23       *records, consistent with State law. The Secretary of*  
 24       *Labor shall make arrangements, consistent with State*  
 25       *law, to ensure that the wage records of any State are*

1     *available to any other State to the extent that such*  
 2     *wage records are required by the State in carrying*  
 3     *out the State plan of the State or completing the an-*  
 4     *annual report described in subsection (d).*

5           (3) *CONFIDENTIALITY.*—*In carrying out the re-*  
 6     *quirements of this Act, the State shall comply with*  
 7     *section 444 of the General Education Provisions Act*  
 8     *(20 U.S.C. 1232g).*

## 9     ***Subtitle C—Workforce Innovation*** 10     ***and Replication Grants***

### 11   ***SEC. 141. PURPOSES.***

12     *The purposes of this subtitle are—*

13           (1) *to promote the development of comprehensive*  
 14     *workforce development systems at the State, regional,*  
 15     *and local levels that reflect the alignment of strategies*  
 16     *and activities across the core programs and, where*  
 17     *appropriate, across other workforce development, edu-*  
 18     *cation, economic development, and human services*  
 19     *programs, to provide effective, high quality, and cli-*  
 20     *ent-centered services to job seekers and workers, youth,*  
 21     *and employers;*

22           (2) *to promote innovation and to improve, rep-*  
 23     *licate, and expand models and service delivery strate-*  
 24     *gies—*

1           (A) that are of demonstrated effectiveness in  
 2           meeting the education, training, and employ-  
 3           ment needs of job seekers and workers, and  
 4           youth, including such individuals with barriers  
 5           to employment, and employers; and

6           (B) that may include—

7                   (i) industry and sector strategies, ca-  
 8                   reer pathway models, and other examples of  
 9                   models and strategies involving integrated  
 10                  partnerships;

11                   (ii) models or strategies that utilize  
 12                   pay for performance, prior learning, or re-  
 13                   tention grants; or

14                   (iii) models or strategies that address  
 15                   areas of high poverty or individuals who  
 16                   are long-term unemployed, and that lead to  
 17                   economic self-sufficiency; and

18           (3) to establish and improve programs for youth  
 19           that engage, recover, and connect youth by providing  
 20           access to career pathways that include the attainment  
 21           of a recognized postsecondary credential and employ-  
 22           ment that leads to economic self-sufficiency.

1 **SEC. 142. WORKFORCE INNOVATION AND REPLICATION**  
2 **GRANTS.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
4 *authorized to be appropriated to carry out this section such*  
5 *sums as may be necessary for each of fiscal years 2014*  
6 *through 2018.*

7 (b) *WORKFORCE INNOVATION AND REPLICATION*  
8 *GRANTS TO ELIGIBLE ENTITIES.*—

9 (1) *IN GENERAL.*—*From funds described in sub-*  
10 *section (a), the Secretary of Labor and the Secretary*  
11 *of Education shall award workforce innovation and*  
12 *replication grants on a competitive basis to eligible*  
13 *entities.*

14 (2) *USE OF FUNDS.*—*The grants awarded under*  
15 *this subsection shall be used to support innovative*  
16 *new strategies and activities, which may include*  
17 *strategies and activities with proven effectiveness in 2*  
18 *or more noncontiguous areas, or the replication and*  
19 *expansion of effective evidence-based strategies and*  
20 *activities, such as on-the-job training, that are de-*  
21 *signed to align programs and strengthen the work-*  
22 *force development system in a State or region, con-*  
23 *sistent with the workforce development plans under*  
24 *this Act for such State or region, in order to substan-*  
25 *tially improve the education and employment out-*

comes for adults and youth served by such system and the services provided to employers under such system.

(3) *ELIGIBLE ENTITIES.*—

(A) *IN GENERAL.*—To be eligible to receive a grant under this subsection, a State partnership or regional entity shall meet the requirements of this paragraph and submit an application in accordance with paragraph (4).

(B) *STATE PARTNERSHIP.*—For a State partnership to be eligible for funding under this subsection, a Governor of a State shall—

(i) submit the application in partnership with the State board and with 1 or more regional entities in the State described in subparagraph (C); and

(ii) demonstrate that the State has—

(I) aligned the core programs;

(II) made significant progress towards aligning the core programs with other workforce development programs; and

(III) achieved the alignments described in subclauses (I) and (II) consistent with the State plan.

1           (C) *REGIONAL ENTITIES*.—*To be identified*  
 2           *as a regional entity and to be eligible for fund-*  
 3           *ing under this subsection, a local board for a*  
 4           *local area that is aligned with a region, or all*  
 5           *of the local boards for local areas that comprise*  
 6           *a planning region under section 116(c), shall*  
 7           *demonstrate that—*

8                   (i) *the application has been developed*  
 9                   *in consultation with the State and is not*  
 10                   *duplicative of other applications under this*  
 11                   *subsection submitted by a State partner-*  
 12                   *ship; and*

13                   (ii) *the local board, or all of the local*  
 14                   *boards for the planning region, has—*

15                           (I) *worked with the core programs*  
 16                           *to achieve alignment of such programs*  
 17                           *in the region;*

18                           (II) *made significant progress to-*  
 19                           *wards aligning the core programs with*  
 20                           *other workforce development programs*  
 21                           *in the region; and*

22                           (III) *achieved the alignments de-*  
 23                           *scribed in subclauses (I) and (II) con-*  
 24                           *sistent with the State plan.*

1           (4) *APPLICATION.*—*An eligible entity seeking to*  
2           *receive a grant under this subsection shall submit to*  
3           *the Secretary of Labor and the Secretary of Edu-*  
4           *cation an application at such time, in such manner,*  
5           *and containing such information, consistent with this*  
6           *paragraph, as the Secretaries may require. Each such*  
7           *application shall describe the innovation and replica-*  
8           *tion strategies and activities, and any waivers, in ac-*  
9           *cordance with appropriate authorizing statutes, nec-*  
10          *essary to implement such strategies and activities,*  
11          *that the eligible entity will carry out to strengthen the*  
12          *workforce development system in the State or region*  
13          *in order to substantially improve the education and*  
14          *employment outcomes for individuals served by such*  
15          *system and the services provided to employers under*  
16          *such system, including—*

17                (A) *a description of the region in the State*  
18                *or the State, as appropriate, that will be the*  
19                *focus of grant activities, including analyses of*  
20                *economic conditions, skill needs, the workforce,*  
21                *and the workforce development services (includ-*  
22                *ing the strengths and weaknesses of such services*  
23                *and the capacity to provide such services) that*  
24                *are relevant to the proposed strategies and ac-*

1            *tivities that would be carried out under the*  
2            *grant;*

3            *(B) a description of the populations to be*  
4            *served, including individuals with barriers to*  
5            *employment, and the skill needs of those popu-*  
6            *lations;*

7            *(C) a description of the promising strategies*  
8            *and activities the eligible entity is proposing to*  
9            *demonstrate, or the evidence-based strategies and*  
10           *activities that the eligible entity is proposing to*  
11           *expand or replicate;*

12           *(D) a description of how, in carrying out*  
13           *such strategies and activities, the entity will—*

14           *(i) collaborate to leverage resources*  
15           *among strategic partners to achieve the pur-*  
16           *poses of the grant, and to provide the*  
17           *matching share described in paragraph*  
18           *(5)(B); and*

19           *(ii) ensure the sustainability of the*  
20           *programs and activities supported by the*  
21           *grant after grant funds are no longer avail-*  
22           *able;*

23           *(E) a description of how the strategies and*  
24           *activities will be aligned with the State plan and*



the local plans in the region of the State that will be the focus of grant activities;

(F) a description of the outcomes, including outcomes for the performance accountability measures based on indicators described in section 131(b)(2)(A)(i), to be achieved by the proposed strategies and activities; and

(G) a description of how the eligible entity will—

(i) use technology;

(ii) collect data;

(iii) make data publicly available; and

(iv) use technology and data to improve program delivery, activities, and administration.

(5) *MATCHING REQUIREMENTS; SUPPLEMENT, NOT SUPPLANT.*—

(A) *INNOVATION FUND SHARE.*—The amount of the share of the funds provided under paragraph (1) shall be not greater than 50 percent of the cost of the programs and activities that are carried out under the grant.

(B) *MATCHING SHARE.*—

(i) *IN GENERAL.*—

1           (I) *AMOUNT.*—*The amount of the*  
2           *matching share under this subsection*  
3           *for a program year may not be less*  
4           *than 50 percent of the costs of the pro-*  
5           *grams and activities that are carried*  
6           *out under the grant.*

7           (II) *IN CASH OR IN KIND.*—*The*  
8           *matching share may be in cash or in*  
9           *kind (fairly evaluated).*

10          (III) *SOURCES OF MATCHING*  
11          *SHARE.*—

12               (aa) *IN GENERAL.*—*Not more*  
13               *than 50 percent of the matching*  
14               *share required under this sub-*  
15               *section may be provided from*  
16               *Federal resources, of which not*  
17               *less than 50 percent shall be pro-*  
18               *vided from Federal resources from*  
19               *the partner programs identified*  
20               *in the application other than re-*  
21               *sources provided under the core*  
22               *programs.*

23               (bb)               *NON-FEDERAL*  
24               *SOURCES.*—*Non-Federal sources*  
25               *for the matching share may in-*

1                    *clude State resources, local re-*  
 2                    *sources, contributions from pri-*  
 3                    *ivate organizations, or a combina-*  
 4                    *tion of such resources and con-*  
 5                    *tributions.*

6                    (ii) *FINANCIAL HARDSHIP WAIVER.*—

7                    *The Secretary of Labor and the Secretary of*  
 8                    *Education may waive or reduce the match-*  
 9                    *ing share of an eligible entity that has sub-*  
 10                    *mitted an application under this subsection*  
 11                    *if such entity demonstrates a need for such*  
 12                    *waiver or reduction due to extreme finan-*  
 13                    *cial hardship as jointly defined by the Sec-*  
 14                    *retary of Labor and the Secretary of Edu-*  
 15                    *cation.*

16                    (C) *SUPPLEMENT, NOT SUPPLANT.*—*The*  
 17                    *Federal and matching shares required by this*  
 18                    *subsection shall be used to supplement and not*  
 19                    *supplant other Federal and State funds used to*  
 20                    *carry out activities described in this subsection.*

21                    (6) *GRANT PERIOD.*—*Grants awarded under this*  
 22                    *subsection shall be awarded for periods of not more*  
 23                    *than 3 years in duration and may not be renewed.*

24                    (7) *GEOGRAPHIC DIVERSITY.*—*In awarding*  
 25                    *grants under this subsection, the Secretary of Labor*

1        *and the Secretary of Education shall take into consid-*  
 2        *eration the geographic diversity, and diversity with*  
 3        *respect to population density, of the areas in which*  
 4        *projects will be carried out under this section.*

5            (8) *REPORTING.—The Secretary of Labor and*  
 6        *the Secretary of Education are authorized to establish*  
 7        *appropriate reporting requirements for grantees*  
 8        *under this subsection.*

9            (9) *TECHNICAL ASSISTANCE AND EVALUATION.—*  
 10       *For each program year for which funds are available*  
 11       *to carry out this section, the Secretary of Labor and*  
 12       *the Secretary of Education may reserve not more*  
 13       *than 5 percent of the amount available to carry out*  
 14       *this subsection to provide technical assistance to ap-*  
 15       *plicants and grantees under this subsection, and to*  
 16       *evaluate projects carried out under this subsection.*  
 17       *The Secretaries shall ensure that the results of the*  
 18       *evaluations are publicly available (including by elec-*  
 19       *tronic means).*

20    **SEC. 143. YOUTH INNOVATION AND REPLICATION GRANTS.**

21            (a) *PROGRAM AUTHORIZED.—There are authorized to*  
 22       *be appropriated to carry out this section such sums as may*  
 23       *be necessary for each of fiscal years 2014 through 2018.*

24            (b) *YOUTH INNOVATION AND REPLICATION GRANTS TO*  
 25       *ELIGIBLE ENTITIES.—*

1           (1) *IN GENERAL.*—*From funds described in sub-*  
2           *section (a), the Secretary of Labor and the Secretary*  
3           *of Education shall award youth innovation and rep-*  
4           *lication grants on a competitive basis to eligible enti-*  
5           *ties.*

6           (2) *USE OF FUNDS.*—*The grants awarded under*  
7           *this subsection shall be used to support the demonstra-*  
8           *tion of innovative new strategies and activities, or the*  
9           *replication and expansion of effective evidence-based*  
10          *strategies and activities, that are designed to substan-*  
11          *tially improve education and employment outcomes*  
12          *for eligible youth. Such strategies and activities shall*  
13          *include—*

14                (A) *establishing career pathways in in-de-*  
15                *mand industry sectors and occupations for eligi-*  
16                *ble youth, in collaboration with other Federal,*  
17                *State, and local programs, such as career and*  
18                *technical education programs, and public and*  
19                *private entities;*

20                (B) *developing and implementing a com-*  
21                *prehensive strategy, for an area of high poverty,*  
22                *that provides education and training programs,*  
23                *resources, and other activities that prepare youth*  
24                *for postsecondary education and training and*

1       *for employment that leads to economic self-suffi-*  
 2       *ciency;*

3               *(C) developing and implementing strategies*  
 4       *and activities that provide opportunities for*  
 5       *youth with disabilities to receive education,*  
 6       *training, and employment services that lead to a*  
 7       *recognized postsecondary credential or inte-*  
 8       *grated, competitive employment;*

9               *(D) developing and implementing evidence-*  
 10       *based strategies and activities, such as—*

11               *(i) education offered concurrently and*  
 12       *contextually with workforce preparation*  
 13       *and training for a specific occupation or*  
 14       *occupational cluster;*

15               *(ii) career academies;*

16               *(iii) dropout prevention and recovery*  
 17       *strategies;*

18               *(iv) paid or unpaid work experience,*  
 19       *including summer employment opportuni-*  
 20       *ties and employment opportunities avail-*  
 21       *able throughout the school year, combined*  
 22       *with academic learning leading to a recog-*  
 23       *nized postsecondary credential; or*

24               *(v) innovative programs for youth fac-*  
 25       *ing multiple barriers to employment that*

1           *arrange for the provision of or provide sup-*  
 2           *portive services combined with education,*  
 3           *training, or employment activities; or*

4           *(E) other evidence-based strategies or activi-*  
 5           *ties designed to improve the education and em-*  
 6           *ployment outcomes for youth.*

7           (3) *ELIGIBLE ENTITIES.—*

8           (A) *IN GENERAL.—To be eligible to receive*  
 9           *a grant under this subsection, an eligible entity*  
 10          *shall—*

11           (i) *meet the requirements of this para-*  
 12          *graph; and*

13           (ii) *submit an application in accord-*  
 14          *ance with paragraph (4).*

15          (B) *ELIGIBLE ENTITY DEFINED.—An eligi-*  
 16          *ble entity shall include—*

17           (i)(I) *the Governor of a State in co-*  
 18          *ordination with the State board and with a*  
 19          *local board for a local area that is aligned*  
 20          *with a region, or with all local boards for*  
 21          *local areas that comprise a planning region,*  
 22          *under section 116(c), in consultation with*  
 23          *the standing committee on youth associated*  
 24          *with the local board; or*

1           (ii) a local board for a local area that  
 2           is aligned with a region, or all local boards  
 3           for local areas that comprise a planning re-  
 4           gion, under section 116(c), in consultation  
 5           with the standing committee on youth asso-  
 6           ciated with the local board; and

7           (ii) one or more of the following:

8                   (I) A State educational agency.

9                   (II) A local educational agency.

10                  (III) A nonprofit organization  
 11                  with expertise serving eligible youth,  
 12                  including—

13                           (aa) a community-based or-  
 14                           ganization or an intermediary;  
 15                           and

16                           (bb) including such a non-  
 17                           profit organization in partnership  
 18                           with a national or regional inter-  
 19                           mediary that has a multistate  
 20                           community-based affiliate net-  
 21                           work.

22                  (IV) An institution of higher edu-  
 23                  cation, including a community college.

24                  (V) A joint labor-management  
 25                  partnership.



1           (4) *APPLICATION.*—*To be eligible to receive a*  
2           *grant under this subsection, an eligible entity shall*  
3           *submit an application to the Secretary of Labor and*  
4           *the Secretary of Education at such time, in such*  
5           *manner, and containing such information, consistent*  
6           *with this paragraph, as the Secretaries may require.*  
7           *Each such application shall describe the innovation*  
8           *and replication strategies and activities that the eligi-*  
9           *ble entity will carry out to strengthen the workforce*  
10          *development system in the State or region in order to*  
11          *substantially improve education and employment out-*  
12          *comes for youth, such as youth with disabilities,*  
13          *served by such system, and shall include—*

14                (A) *a description of the region in the State*  
15                *or the State, as applicable, that will be the focus*  
16                *of grant activities, including analyses of eco-*  
17                *nomie conditions, skill needs, the workforce, and*  
18                *the workforce development services (including the*  
19                *strengths and weaknesses of such services and the*  
20                *capacity to provide such services) that are rel-*  
21                *evant to the proposed strategies and activities*  
22                *that would be carried out under the grant;*

23                (B) *a description of the youth populations*  
24                *to be served, including individuals with barriers*

1       to employment who are youth, and the skill  
2       needs of those populations;

3               (C) a description of the promising strategies  
4       and activities the eligible entity is proposing to  
5       demonstrate, or the evidence-based strategies and  
6       activities that the eligible entity is proposing to  
7       expand or replicate;

8               (D) a description of how the eligible entity  
9       will meaningfully involve youth in the design  
10      and implementation of the proposed strategies  
11      and activities;

12              (E) a description of how, in carrying out  
13      such strategies and activities, the eligible entity  
14      will—

15                   (i) collaborate to leverage resources  
16                   among strategic partners to achieve the pur-  
17                   poses of the grant, and to provide the  
18                   matching share described in paragraph  
19                   (5)(B); and

20                   (ii) ensure the sustainability of the  
21                   programs and activities supported by the  
22                   grant after grant funds are no longer avail-  
23                   able;

24              (F) a description of how the strategies and  
25      activities will be aligned with the State plan and

the local plans in the region of the State that will be the focus of grant activities;

(G) a description of the outcomes, including outcomes for the performance accountability measures based on indicators of performance described in section 131(b)(2)(A)(ii), to be achieved by the proposed strategies and activities; and

(H) a description of how the eligible entity will—

(i) use technology;

(ii) collect data;

(iii) make data publicly available; and

(iv) use technology and data to improve program delivery, activities, and administration.

(5) *MATCHING REQUIREMENTS; SUPPLEMENT, NOT SUPPLANT.*—

(A) *INNOVATION FUND SHARE.*—The amount of the share of the funds provided under paragraph (1) shall be not greater than 50 percent of the cost of the programs and activities that are carried out under the grant.

(B) *MATCHING SHARE.*—

(i) *IN GENERAL.*—

1           (I) *AMOUNT.*—*The amount of the*  
2           *matching share under this subsection*  
3           *for a program year may not be less*  
4           *than 50 percent of the costs of the pro-*  
5           *grams and activities that are carried*  
6           *out under the grant.*

7           (II) *IN CASH OR IN KIND.*—*The*  
8           *matching share may be in cash or in*  
9           *kind (fairly evaluated).*

10          (III) *SOURCES OF MATCHING*  
11          *SHARE.*—

12               (aa) *IN GENERAL.*—*Not more*  
13               *than 50 percent of the matching*  
14               *share required under this sub-*  
15               *section may be provided from*  
16               *Federal resources, of which not*  
17               *less than 50 percent shall be pro-*  
18               *vided from Federal resources from*  
19               *the partner programs identified*  
20               *in the application other than re-*  
21               *sources provided under the core*  
22               *programs.*

23               (bb)               *NON-FEDERAL*  
24               *SOURCES.*—*Non-Federal sources*  
25               *for the matching share may in-*

1                    *clude State resources, local re-*  
 2                    *sources, contributions from pri-*  
 3                    *rate organizations, or a combina-*  
 4                    *tion of such resources and con-*  
 5                    *tributions.*

6                    (ii) *FINANCIAL HARDSHIP WAIVER.—*

7                    *The Secretary of Labor and the Secretary of*  
 8                    *Education may waive or reduce the match-*  
 9                    *ing share of an eligible entity that has sub-*  
 10                    *mitted an application under this subsection*  
 11                    *if such entity demonstrates a need for such*  
 12                    *waiver or reduction due to extreme finan-*  
 13                    *cial hardship as defined by the Secretary of*  
 14                    *Labor and the Secretary of Education.*

15                    (C) *SUPPLEMENT, NOT SUPPLANT.—The*  
 16                    *Federal and matching shares required by this*  
 17                    *subsection shall be used to supplement and not*  
 18                    *supplant other Federal and State funds used to*  
 19                    *carry out activities described in this subsection.*

20                    (6) *GRANT PERIOD.—Grants awarded under this*  
 21                    *subsection shall be awarded for periods of not more*  
 22                    *than 3 years in duration and may not be renewed.*

23                    (7) *GEOGRAPHIC DIVERSITY.—In awarding*  
 24                    *grants under this subsection, the Secretary of Labor*  
 25                    *and the Secretary of Education shall take into consid-*

1        *eration the geographic diversity, and diversity with*  
 2        *respect to population density, of the areas in which*  
 3        *projects will be carried out under this section.*

4            (8) *REPORTING.*—*The Secretary of Labor and*  
 5        *the Secretary of Education are authorized to establish*  
 6        *appropriate reporting requirements for grantees*  
 7        *under this subsection.*

8            (9) *TECHNICAL ASSISTANCE AND EVALUATION.*—  
 9        *For each program year for which funds are available*  
 10       *to carry out this section, the Secretary of Labor and*  
 11       *the Secretary of Education may reserve not more*  
 12       *than 5 percent of the amount available to carry out*  
 13       *this subsection to provide technical assistance to ap-*  
 14       *plicants and grantees under this subsection, and to*  
 15       *evaluate projects carried out under this subsection.*  
 16       *The Secretaries shall ensure that the results of the*  
 17       *evaluations are publicly available (including by elec-*  
 18       *tronic means).*

19    **SEC. 144. INTERAGENCY AGREEMENT.**

20            (a) *INTERAGENCY AGREEMENT.*—*The Secretary of*  
 21       *Education and the Secretary of Labor shall jointly develop*  
 22       *policies for the administration of this subtitle in accordance*  
 23       *with such terms as the Secretaries shall set forth in an*  
 24       *interagency agreement. Such interagency agreement, at a*  
 25       *minimum, shall include a description of the respective roles*

1 *and responsibilities of the Secretaries in carrying out this*  
2 *subtitle (both jointly and separately), including how—*

3 *(1) the funds available under this subtitle will be*  
4 *obligated and disbursed and compliance with applica-*  
5 *ble laws (including regulations) will be ensured, as*  
6 *well as how the grantees will be selected and mon-*  
7 *itored, and a peer review process for selection of*  
8 *grantees that includes program practitioners and na-*  
9 *tional experts will be carried out;*

10 *(2) evaluations and research will be conducted*  
11 *on the effectiveness of grants awarded under this sub-*  
12 *title in addressing the education and employment*  
13 *needs of job seekers and workers, youth, and employ-*  
14 *ers;*

15 *(3) technical assistance will be provided to ap-*  
16 *plicants and grant recipients;*

17 *(4) information will be disseminated (including*  
18 *by electronic means) on best practices and effective*  
19 *strategies and service delivery models for activities*  
20 *carried out under this subtitle; and*

21 *(5) policies and processes critical to the success-*  
22 *ful achievement of the education, training, and em-*  
23 *ployment goals of this subtitle will be established.*

24 *(b) TRANSFER AUTHORITY.—The Secretary of Labor*  
25 *and the Secretary of Education shall have the authority to*

1 *transfer funds between the Department of Labor and the*  
 2 *Department of Education to carry out this subtitle in ac-*  
 3 *cordance with the agreement described in subsection (a).*

4 *(c) REPORTS.—The Secretary of Labor and the Sec-*  
 5 *retary of Education shall jointly develop and submit a bien-*  
 6 *nial report to the Committee on Health, Education, Labor,*  
 7 *and Pensions of the Senate and the Committee on Edu-*  
 8 *cation and the Workforce of the House of Representatives,*  
 9 *describing—*

10 *(1) actions the Departments have taken to—*

11 *(A) assess the effectiveness of the projects*  
 12 *carried out under this subtitle; and*

13 *(B) facilitate the coordination of the pro-*  
 14 *grams carried out through the grants awarded*  
 15 *with other education, employment, and training*  
 16 *programs;*

17 *(2) barriers that impede effectiveness of projects*  
 18 *carried out under this subtitle;*

19 *(3) the best practices and effective strategies and*  
 20 *service delivery models that the Departments have*  
 21 *identified pursuant to this subtitle and actions the*  
 22 *Departments have taken to promptly disseminate in-*  
 23 *formation (including by electronic means) on such*  
 24 *best practices and effective strategies and service de-*  
 25 *livery models; and*



1           (4) *the actions the Departments have taken to le-*  
 2           *verage resources provided under Federal law other*  
 3           *than this subtitle and non-Federal resources, to im-*  
 4           *prove the workforce development system nationwide,*  
 5           *including in States, regions, and local areas that have*  
 6           *not received funds under this subtitle.*

7       ***TITLE II—WORKFORCE INVEST-***  
 8       ***MENT AND RELATED ACTIVI-***  
 9       ***TIES***

10           ***Subtitle A—Definition***

11       ***SEC. 201. DEFINITION.***

12           *In this title, the term “Secretary”, used without fur-*  
 13           *ther description, means the Secretary of Labor.*

14       ***Subtitle B—Workforce Investment***  
 15       ***Activities and Providers***

16       ***SEC. 211. PURPOSE.***

17           *The purpose of this subtitle is to provide workforce in-*  
 18           *vestment activities, through statewide and local workforce*  
 19           *development systems, that increase the employment, reten-*  
 20           *tion, economic self-sufficiency, and earnings of partici-*  
 21           *pants, and increase attainment of recognized postsecondary*  
 22           *credentials by participants, and as a result, improve the*  
 23           *quality of the workforce, reduce welfare dependency, in-*  
 24           *crease economic self-sufficiency, meet the skill requirements*

1 *of employers, and enhance the productivity and competi-*  
 2 *tiveness of the Nation.*

3     **CHAPTER 1—WORKFORCE INVESTMENT**  
 4                 **ACTIVITIES PROVIDERS**

5     **SEC. 221. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**  
 6                 **TEMS.**

7             *(a) IN GENERAL.—Consistent with an approved State*  
 8 *plan, the local board for a local area, with the agreement*  
 9 *of the chief elected official for the local area, shall—*

10                 *(1) develop and enter into the memorandum of*  
 11 *understanding described in subsection (c) with one-*  
 12 *stop partners;*

13                 *(2) designate or certify one-stop operators under*  
 14 *subsection (d); and*

15                 *(3) conduct oversight with respect to the one-stop*  
 16 *delivery system in the local area.*

17             *(b) ONE-STOP PARTNERS.—*

18                 *(1) REQUIRED PARTNERS.—*

19                         *(A) ROLES AND RESPONSIBILITIES OF ONE-*  
 20 *STOP PARTNERS.—Each entity that carries out a*  
 21 *program or activities described in subparagraph*

22                         *(B) in a local area shall—*

23                                 *(i) provide access through the one-stop*  
 24 *delivery system to such program or activi-*  
 25 *ties carried out by the entity, including*

1           *making the core services described in section*  
2           *234(c)(2) that are applicable to the program*  
3           *or activities available at the one-stop cen-*  
4           *ters (in addition to any other appropriate*  
5           *locations);*

6                     *(ii) use a portion of the funds available*  
7           *for the program and activities to maintain*  
8           *the one-stop delivery system, including pay-*  
9           *ment of the infrastructure costs of one-stop*  
10           *centers in accordance with subsection (h);*

11                    *(iii) enter into a local memorandum of*  
12           *understanding with the local board, relating*  
13           *to the operation of the one-stop system, that*  
14           *meets the requirements of subsection (c);*

15                    *(iv) participate in the operation of the*  
16           *one-stop system consistent with the terms of*  
17           *the memorandum of understanding, the re-*  
18           *quirements of this title, and the require-*  
19           *ments of the Federal laws authorizing the*  
20           *program or activities; and*

21                    *(v) provide representation on the State*  
22           *board to the extent provided under section*  
23           *111.*

1           (B) *PROGRAMS AND ACTIVITIES.*—*The pro-*  
2           *grams and activities referred to in subparagraph*  
3           *(A) consist of—*

4                   (i) *programs authorized under this*  
5                   *title;*

6                   (ii) *programs authorized under the*  
7                   *Wagner-Peyser Act (29 U.S.C. 49 et seq.);*

8                   (iii) *adult education and literacy ac-*  
9                   *tivities authorized under title III;*

10                  (iv) *programs authorized under title I*  
11                  *of the Rehabilitation Act of 1973 (29 U.S.C.*  
12                  *720 et seq.) (other than section 112 or part*  
13                  *C of title I of such Act (29 U.S.C. 732,*  
14                  *741);*

15                  (v) *activities authorized under title V*  
16                  *of the Older Americans Act of 1965 (42*  
17                  *U.S.C. 3056 et seq.);*

18                  (vi) *career and technical education*  
19                  *programs at the postsecondary level author-*  
20                  *ized under the Carl D. Perkins Career and*  
21                  *Technical Education Act of 2006 (20 U.S.C.*  
22                  *2301 et seq.);*

23                  (vii) *activities authorized under chap-*  
24                  *ter 2 of title II of the Trade Act of 1974 (19*  
25                  *U.S.C. 2271 et seq.);*

1                   (viii) activities authorized under chap-  
2                   ter 41 of title 38, United States Code;

3                   (ix) employment and training activi-  
4                   ties carried out under the Community Serv-  
5                   ices Block Grant Act (42 U.S.C. 9901 et  
6                   seq.);

7                   (x) employment and training activities  
8                   carried out by the Department of Housing  
9                   and Urban Development;

10                  (xi) programs authorized under State  
11                  unemployment compensation laws (in ac-  
12                  cordance with applicable Federal law);

13                  (xii) programs authorized under sec-  
14                  tion 212 of the Second Chance Act of 2007  
15                  (42 U.S.C. 17532); and

16                  (xiii) programs authorized under part  
17                  A of title IV of the Social Security Act (42  
18                  U.S.C. 601 et seq.), subject to subparagraph  
19                  (C).

20                  (C) DETERMINATION BY THE GOVERNOR.—

21                  (i) IN GENERAL.—An entity that car-  
22                  ries out a program referred to in subpara-  
23                  graph (B)(xiii) shall be included in the one-  
24                  stop partners for the local area, as a re-  
25                  quired partner, for purposes of this Act and

1           *the other core program provisions that are*  
 2           *not part of this Act, unless the Governor*  
 3           *provides the notification described in clause*  
 4           *(ii).*

5           *(ii) NOTIFICATION.—The notification*  
 6           *referred to in clause (i) is a notification*  
 7           *that—*

8                     *(I) is made in writing of a deter-*  
 9                     *mination by the Governor not to in-*  
 10                    *clude such entity in the one-stop part-*  
 11                    *ners described in clause (i); and*

12                    *(II) is provided to the Secretary*  
 13                    *and the Secretary of Health and*  
 14                    *Human Services.*

15           *(2) ADDITIONAL PARTNERS.—*

16                    *(A) IN GENERAL.—With the approval of the*  
 17                    *local board and chief elected official, in addition*  
 18                    *to the entities described in paragraph (1), other*  
 19                    *entities that carry out workforce development*  
 20                    *programs described in subparagraph (B) may be*  
 21                    *one-stop partners for the local area and carry*  
 22                    *out the responsibilities described in paragraph*  
 23                    *(1)(A).*

24                    *(B) PROGRAMS.—The programs referred to*  
 25                    *in subparagraph (A) may include—*

1           (i) *employment and training programs*  
2           *administered by the Social Security Admin-*  
3           *istration, including the Ticket to Work and*  
4           *Self-Sufficiency Program established under*  
5           *section 1148 of the Social Security Act (42*  
6           *U.S.C. 1320b–19);*

7           (ii) *employment and training pro-*  
8           *grams carried out by the Small Business*  
9           *Administration;*

10          (iii) *programs authorized under sec-*  
11          *tion 6(d)(4) of the Food and Nutrition Act*  
12          *of 2008 (7 U.S.C. 2015(d)(4));*

13          (iv) *work programs authorized under*  
14          *section 6(o) of the Food and Nutrition Act*  
15          *of 2008 (7 U.S.C. 2015(o));*

16          (v) *programs carried out under section*  
17          *112 of the Rehabilitation Act of 1973 (29*  
18          *U.S.C. 732);*

19          (vi) *programs authorized under the*  
20          *National and Community Service Act of*  
21          *1990 (42 U.S.C. 12501 et seq.); and*

22          (vii) *other appropriate Federal, State,*  
23          *or local programs, including employment,*  
24          *education, and training programs provided*  
25          *by public libraries or in the private sector.*

1       (c) *MEMORANDUM OF UNDERSTANDING.*—

2               (1) *DEVELOPMENT.*—*The local board, with the*  
 3       *agreement of the chief elected official, shall develop*  
 4       *and enter into a memorandum of understanding (be-*  
 5       *tween the local board and the one-stop partners), con-*  
 6       *sistent with paragraph (2), concerning the operation*  
 7       *of the one-stop delivery system in the local area.*

8               (2) *CONTENTS.*—*Each memorandum of under-*  
 9       *standing shall contain—*

10              (A) *provisions describing—*

11                      (i) *the services to be provided through*  
 12                      *the one-stop delivery system consistent with*  
 13                      *the requirements of this section, including*  
 14                      *the manner in which the services will be co-*  
 15                      *ordinated and delivered through such sys-*  
 16                      *tem;*

17                      (ii) *how the costs of such services and*  
 18                      *the operating costs of such system will be*  
 19                      *funded, including—*

20                              (I) *funding through cash and in-*  
 21                              *kind contributions (fairly evaluated),*  
 22                              *which contributions may include fund-*  
 23                              *ing from philanthropic organizations*  
 24                              *or other private entities, or through*  
 25                              *other alternative financing options, to*



1           *provide a stable and equitable funding*  
2           *stream for ongoing one-stop delivery*  
3           *system operations; and*

4                     *(II) funding of the infrastructure*  
5           *costs of one-stop centers in accordance*  
6           *with subsection (h);*

7                     *(iii) methods of referral of individuals*  
8           *between the one-stop operator and the one-*  
9           *stop partners for appropriate services and*  
10          *activities;*

11                    *(iv) methods to ensure the needs of*  
12          *workers and youth, and individuals with*  
13          *barriers to employment, including individ-*  
14          *uals with disabilities, are addressed in the*  
15          *provision of necessary and appropriate ac-*  
16          *cess to services, including access to tech-*  
17          *nology and materials, made available*  
18          *through the one-stop delivery system; and*

19                    *(v) the duration of the memorandum of*  
20          *understanding and the procedures for*  
21          *amending the memorandum during the du-*  
22          *ration of the memorandum, and assurances*  
23          *that such memorandum shall be reviewed*  
24          *not less than once every 2-year period to en-*

1                   sure appropriate funding and delivery of  
2                   services; and

3                   (B) such other provisions, consistent with  
4                   the requirements of this title, as the parties to  
5                   the agreement determine to be appropriate.

6           (d) ONE-STOP OPERATORS.—

7                   (1) DESIGNATION AND CERTIFICATION.—Con-  
8                   sistent with paragraphs (2) and (3), the local board,  
9                   with the agreement of the chief elected official, is au-  
10                  thorized to designate or certify one-stop operators and  
11                  to terminate for cause the eligibility of such operators.

12                  (2) ELIGIBILITY.—To be eligible to receive funds  
13                  made available under this subtitle to operate a one-  
14                  stop center referred to in subsection (e), an entity  
15                  (which may be a consortium of entities)—

16                       (A) shall be designated or certified as a one-  
17                       stop operator—

18                               (i) through a competitive process; or

19                               (ii) in accordance with an agreement  
20                               reached between the local board and a con-  
21                               sortium of entities that, at a minimum, in-  
22                               cludes 3 or more of the one-stop partners de-  
23                               scribed in subsection (b)(1); and

24                       (B) shall be an entity (public or private), or  
25                       consortium of entities, of demonstrated effective-

1           *ness, located in the local area, which may in-*  
 2           *clude—*

3                     *(i) an institution of higher education;*

4                     *(ii) an employment service State agen-*  
 5                     *cy established under the Wagner-Peyser Act*  
 6                     *(29 U.S.C. 49 et seq.), on behalf of the local*  
 7                     *office of the agency;*

8                     *(iii) a community-based organization,*  
 9                     *nonprofit organization, or intermediary;*

10                    *(iv) a private for-profit entity;*

11                    *(v) a government agency; and*

12                    *(vi) another interested organization or*  
 13                    *entity, which may include a local chamber*  
 14                    *of commerce or other business organization,*  
 15                    *or a labor organization.*

16           (3) *EXCEPTION.—Elementary schools and sec-*  
 17           *ondary schools shall not be eligible for designation or*  
 18           *certification as one-stop operators, except that non-*  
 19           *traditional public secondary schools and area career*  
 20           *and technical education schools may be eligible for*  
 21           *such designation or certification.*

22           (4) *ADDITIONAL REQUIREMENTS.—The State*  
 23           *and local boards shall ensure that in carrying out ac-*  
 24           *tivities under this title, one-stop operators—*

1           (A) disclose any potential conflicts of inter-  
 2           est arising from the relationships of the operators  
 3           with particular training service providers or  
 4           other service providers;

5           (B) do not establish practices that create  
 6           disincentives to providing services to individuals  
 7           with barriers to employment who may require  
 8           longer-term services, such as intensive employ-  
 9           ment, training, and education services; and

10           (C) comply with Federal regulations, and  
 11           procurement policies, relating to the calculation  
 12           and use of profits.

13       (e) *ESTABLISHMENT OF ONE-STOP DELIVERY SYS-*  
 14 *TEM.*—

15           (1) *IN GENERAL.*—There shall be established in  
 16           each local area in a State that receives an allotment  
 17           under section 232(b) a one-stop delivery system,  
 18           which—

19           (A) shall provide the core services described  
 20           in section 234(c)(2);

21           (B) shall provide access to intensive services  
 22           and training services as described in paragraphs  
 23           (3) and (4) of section 234(c), including serving  
 24           as the point of access to training services for

1        *participants in accordance with section*  
 2        *234(c)(4)(G);*

3                *(C) shall provide access to the employment*  
 4        *and training activities carried out under section*  
 5        *234(d), if any;*

6                *(D) shall provide access to programs and*  
 7        *activities carried out by one-stop partners de-*  
 8        *scribed in subsection (b); and*

9                *(E) shall provide access to the data, infor-*  
 10       *mation, and analysis described in section 15(a)*  
 11       *of the Wagner-Peyser Act (29 U.S.C. 49l-2(a))*  
 12       *and all job search, placement, recruitment, and*  
 13       *other labor exchange services authorized under*  
 14       *the Wagner-Peyser Act (29 U.S.C. 49 et seq.).*

15        *(2) ONE-STOP DELIVERY.—The one-stop delivery*  
 16       *system—*

17                *(A) at a minimum, shall make each of the*  
 18        *programs, services, and activities described in*  
 19        *paragraph (1) accessible at not less than 1 phys-*  
 20        *ical center in each local area of the State; and*

21                *(B) may also make programs, services, and*  
 22        *activities described in paragraph (1) available—*

23                        *(i) through a network of affiliated sites*  
 24                        *that can provide 1 or more of the programs,*  
 25                        *services, and activities to individuals; and*

1                   (ii) through a network of eligible one-  
2 stop partners—

3                   (I) in which each partner pro-  
4 vides 1 or more of the programs, serv-  
5 ices, and activities to such individuals  
6 and is accessible at an affiliated site  
7 that consists of a physical location or  
8 an electronically or technologically  
9 linked access point; and

10                  (II) that assures individuals that  
11 information on the availability of the  
12 core services will be available regard-  
13 less of where the individuals initially  
14 enter the statewide workforce develop-  
15 ment system, including information  
16 made available through an access point  
17 described in subclause (I);

18                  (C) may have specialized centers to address  
19 special needs, such as the needs of dislocated  
20 workers, youth, or key industry sectors or clus-  
21 ters; and

22                  (D) as applicable and practicable, shall  
23 make programs, services, and activities accessible  
24 to individuals through electronic means in a  
25 manner that improves efficiency, coordination,

1           *and quality in the delivery of one-stop partner*  
2           *services.*

3           (3) *COLOCATION OF WAGNER-PEYSER SERV-*  
4           *ICES.—Consistent with section 3(d) of the Wagner-*  
5           *Peyser Act (29 U.S.C. 49b(d)), and in order to im-*  
6           *prove service delivery, avoid duplication of services,*  
7           *and enhance coordination of services, including loca-*  
8           *tion of staff to ensure access to services in underserved*  
9           *areas, the employment service offices in each State*  
10          *shall be colocated with one-stop centers established*  
11          *under this title.*

12          (4) *USE OF COMMON ONE-STOP DELIVERY SYS-*  
13          *TEM IDENTIFIER.—In addition to using any State or*  
14          *locally developed identifier, each one-stop delivery sys-*  
15          *tem shall include in the identification of products,*  
16          *programs, activities, services, facilities, and related*  
17          *property and materials, a common one-stop delivery*  
18          *system identifier. The identifier shall be developed by*  
19          *the Secretary, in consultation with heads of other ap-*  
20          *propriate departments and agencies, and representa-*  
21          *tives of State boards and local boards and of other*  
22          *stakeholders in the one-stop delivery system, not later*  
23          *than the beginning of the second full program year*  
24          *after the date of enactment of this Act. Such common*  
25          *identifier may consist of a logo, phrase, or other iden-*

1        *tifier that informs users of the one-stop delivery sys-*  
 2        *tem that such products, programs, activities, services,*  
 3        *facilities, property, or materials are being provided*  
 4        *through such system. Nothing in this paragraph shall*  
 5        *be construed to prohibit one-stop partners, States, or*  
 6        *local areas from having additional identifiers.*

7        *(f) APPLICATION TO CERTAIN VOCATIONAL REHABILI-*  
 8        *TATION PROGRAMS.—*

9                *(1) LIMITATION.—Nothing in this section shall*  
 10        *be construed to apply to part C of title I of the Reha-*  
 11        *bilitation Act of 1973 (29 U.S.C. 741).*

12                *(2) CLIENT ASSISTANCE.—Nothing in this Act*  
 13        *shall be construed to require that any entity carrying*  
 14        *out a client assistance program authorized under sec-*  
 15        *tion 112 of the Rehabilitation Act of 1973 (29 U.S.C.*  
 16        *732)—*

17                *(A) be included as a mandatory one-stop*  
 18        *partner under subsection (b)(1); or*

19                *(B) if the entity is included as an addi-*  
 20        *tional one-stop partner under subsection (b)(2)—*

21                *(i) violate the requirement of section*  
 22        *112(c)(1)(A) of that Act (29 U.S.C.*  
 23        *732(c)(1)(A)) that the entity be independent*  
 24        *of any agency that provides treatment, serv-*



1                   ices, or rehabilitation to individuals under  
2                   that Act; or

3                   (ii) carry out any activity not author-  
4                   ized under section 112 of that Act (includ-  
5                   ing appropriate Federal regulations).

6           (g) *CONTINUOUS IMPROVEMENT OF ONE-STOP CEN-*  
7 *TERS.*—

8                   (1) *IN GENERAL.*—*The State board, in consulta-*  
9 *tion with chief elected officials and local boards, shall*  
10 *establish objective criteria and procedures for use by*  
11 *local boards in periodically assessing the effectiveness,*  
12 *physical and programmatic accessibility in accord-*  
13 *ance with section 288 and the Americans with Dis-*  
14 *abilities Act of 1990 (42 U.S.C. 12101 et seq), and*  
15 *continuous improvement of one-stop centers and the*  
16 *one-stop delivery system, consistent with the require-*  
17 *ments of section 111(d)(7).*

18                   (2) *CRITERIA.*—*The criteria and procedures de-*  
19 *veloped under this subsection shall include standards*  
20 *relating to service coordination achieved by the one-*  
21 *stop delivery system with respect to the programs ad-*  
22 *ministered by the one-stop partners at the one-stop*  
23 *centers. Such criteria and procedures shall—*

24                   (A) *be developed in a manner that is con-*  
25 *sistent with the guidelines, guidance, and poli-*

1        *cies provided by the Governor and by the State*  
 2        *board, in consultation with the chief elected offi-*  
 3        *cials and local boards, for such partners' partici-*  
 4        *pation under subsections (h)(1) and (i); and*

5                *(B) include such factors relating to the effec-*  
 6        *tiveness, accessibility, and improvement of the*  
 7        *one-stop delivery system as the State board deter-*  
 8        *mines to be appropriate.*

9        *(3) LOCAL CRITERIA.—Consistent with the cri-*  
 10        *teria developed under paragraph (1) by the State, a*  
 11        *local board in the State may develop additional cri-*  
 12        *teria (or higher levels of service coordination than re-*  
 13        *quired for the State-developed criteria) relating to*  
 14        *service coordination achieved by the one-stop delivery*  
 15        *system, for purposes of assessments described in para-*  
 16        *graph (1), in order to respond to labor market, eco-*  
 17        *nomie, and demographic, conditions and trends in the*  
 18        *region.*

19                *(4) REVIEW AND UPDATE.—The criteria and*  
 20        *procedures established under this subsection shall be*  
 21        *reviewed and updated by the State board or the local*  
 22        *board, as the case may be, as part of the biennial*  
 23        *process for review and modification of State and local*  
 24        *plans described in sections 112(c) and 118(a).*

25        *(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—*

1           (1) *IN GENERAL.*—

2                   (A) *OPTIONS FOR INFRASTRUCTURE FUND-*  
3           *ING.*—

4                           (i) *LOCAL OPTIONS.*—*The local board,*  
5                           *chief elected officials, and one-stop partners*  
6                           *described in subsection (b)(1) in a local*  
7                           *area may fund the costs of infrastructure of*  
8                           *one-stop centers in the local area through—*

9                                   (I) *methods agreed on by the local*  
10                                   *board, chief elected officials, and one-*  
11                                   *stop partners (and described in the*  
12                                   *memorandum of understanding de-*  
13                                   *scribed in subsection (c)); or*

14                                   (II) *the State infrastructure fund-*  
15                                   *ing mechanism described in paragraph*  
16                                   *(2).*

17                           (ii) *FAILURE TO REACH CONSENSUS*  
18                           *AGREEMENT ON FUNDING METHODS.*—*Be-*  
19                           *ginning July 1, 2015, if the local board,*  
20                           *chief elected officials, and one-stop partners*  
21                           *described in subsection (b)(1) in a local*  
22                           *area fail to reach consensus agreement on*  
23                           *methods of sufficiently funding the costs of*  
24                           *infrastructure of one-stop centers for a pro-*  
25                           *gram year, the State infrastructure funding*

1           *mechanism described in paragraph (2) shall*  
2           *be applicable to such local area for that pro-*  
3           *gram year and for each subsequent program*  
4           *year for which those entities and individ-*  
5           *uals fail to reach such agreement.*

6           (B)   GUIDANCE   FOR   INFRASTRUCTURE  
7           FUNDING.—*In addition to carrying out the re-*  
8           *quirements relating to the State infrastructure*  
9           *funding mechanism described in paragraph (2),*  
10          *the Governor, after consultation with chief elect-*  
11          *ed officials, local boards, and the State board,*  
12          *and consistent with the guidance and policies*  
13          *provided by the State board under subpara-*  
14          *graphs (B) and (C)(i) of section 111(d)(7), shall*  
15          *provide, for the use of local areas under subpara-*  
16          *graph (A)(i)(I)—*

17               (i) *guidelines for State-administered*  
18               *one-stop partner programs, for determining*  
19               *such programs' contributions to a one-stop*  
20               *delivery system, based on such programs'*  
21               *proportionate use of such system consistent*  
22               *with chapter II of title 2, Code of Federal*  
23               *Regulations (or any corresponding similar*  
24               *regulation or ruling), including deter-*  
25               *mining funding for the costs of infrastruc-*

1            *ture, which contributions shall be negotiated*  
 2            *pursuant to the memorandum of under-*  
 3            *standing under subsection (c); and*

4            *(ii) guidance to assist local boards,*  
 5            *chief elected officials, and one-stop partners*  
 6            *in local areas in determining equitable and*  
 7            *stable methods of funding the costs of infra-*  
 8            *structure of one-stop centers in such areas.*

9            (2) *STATE ONE-STOP INFRASTRUCTURE FUND-*  
 10         *ING.—*

11            (A) *DEFINITION.—In this paragraph, the*  
 12            *term “covered portion”, used with respect to*  
 13            *funding for a fiscal year for a program described*  
 14            *in subsection (b)(1), means a portion determined*  
 15            *under subparagraph (C) of the Federal funds*  
 16            *provided to a State (including local areas within*  
 17            *the State) under the Federal law authorizing*  
 18            *that program described in subsection (b)(1) for*  
 19            *the fiscal year (taking into account the avail-*  
 20            *ability of funding for purposes related to infra-*  
 21            *structure from philanthropic organizations, pri-*  
 22            *vate entities, or other alternative financing op-*  
 23            *tions).*

24            (B) *PARTNER CONTRIBUTIONS.—Subject to*  
 25            *subparagraph (D), for local areas in a State that*

1       are not covered by paragraph (1)(A)(i)(I), the  
 2       covered portions of funding for a fiscal year shall  
 3       be provided to the Governor from the programs  
 4       described in subsection (b)(1), to assist in paying  
 5       the costs of infrastructure of one-stop centers in  
 6       those local areas of the State not adequately  
 7       funded under the option described in paragraph  
 8       (1)(A)(i)(I).

9               (C) DETERMINATION OF GOVERNOR.—

10              (i) IN GENERAL.—Subject to clause (ii)  
 11       and subparagraph (D), the Governor, after  
 12       consultation with chief elected officials, local  
 13       boards, and the State board, shall determine  
 14       the portion of funds to be provided under  
 15       subparagraph (B) by each one-stop partner  
 16       from each program described in subpara-  
 17       graph (B). In making such determination  
 18       for the purpose of determining funding con-  
 19       tributions, for funding pursuant to clause  
 20       (i)(II) or (ii) of paragraph (1)(A) by each  
 21       partner, the Governor shall calculate  
 22       amounts for the proportionate use of the  
 23       one-stop centers in the State, consistent  
 24       with chapter II of title 2, Code of Federal  
 25       Regulations (or any corresponding similar

1 regulation or ruling), taking into account  
2 the costs of administration of the one-stop  
3 delivery system for purposes not related to  
4 one-stop centers, for each partner. The Gov-  
5 ernor shall exclude from such determination  
6 of funds the amounts for proportionate use  
7 of one-stop centers attributable to the pro-  
8 grams of one-stop partners for those local  
9 areas of the State where the costs of infra-  
10 structure of one-stop centers are funded  
11 under the option described in paragraph  
12 (1)(A)(i)(I).

13 (ii) *SPECIAL RULE.*—In a State in  
14 which the State constitution or a State stat-  
15 ute places policymaking authority that is  
16 independent of the authority of the Gov-  
17 ernor in an entity or official with respect to  
18 the funds provided for adult education and  
19 literacy activities authorized under title III,  
20 postsecondary career and technical edu-  
21 cation activities authorized under the Carl  
22 D. Perkins Career and Technical Education  
23 Act of 2006 (20 U.S.C. 2301 et seq.), or vo-  
24 cational rehabilitation services offered under  
25 a provision covered by section 101(12)(D),

1           *the determination described in clause (i)*  
 2           *with respect to the programs authorized*  
 3           *under that title, Act, or provision shall be*  
 4           *made by the chief officer of the entity, or the*  
 5           *official, with such authority in consultation*  
 6           *with the Governor.*

7           *(D) LIMITATIONS.—*

8                     *(i) PROVISION FROM ADMINISTRATIVE*  
 9                     *FUNDS.—*

10                    *(I) IN GENERAL.—Subject to sub-*  
 11                    *clause (II), the funds provided under*  
 12                    *this paragraph by each one-stop part-*  
 13                    *ner shall be provided only from funds*  
 14                    *available for the costs of administra-*  
 15                    *tion under the program administered*  
 16                    *by such partner, and shall be subject to*  
 17                    *the program's limitations with respect*  
 18                    *to the portion of funds under such pro-*  
 19                    *gram that may be used for administra-*  
 20                    *tion.*

21                    *(II) EXCEPTIONS.—Nothing in*  
 22                    *this clause shall be construed to apply*  
 23                    *to the programs carried out under this*  
 24                    *title, or under title V of the Older*



1                   *Americans Act of 1965 (42 U.S.C.*  
 2                   *3056 et seq.).*

3                   (ii) *CAP ON REQUIRED CONTRIBU-*  
 4                   *TIONS.—For local areas in a State that are*  
 5                   *not covered by paragraph (1)(A)(i)(I), the*  
 6                   *following rules shall apply:*

7                               (i) *WIA FORMULA PROGRAMS AND*  
 8                               *EMPLOYMENT SERVICE.—The portion*  
 9                               *of funds required to be contributed*  
 10                              *under this paragraph from a program*  
 11                              *authorized under chapter 2 or 3, or the*  
 12                              *Wagner-Peyser Act (29 U.S.C. 49 et*  
 13                              *seq.) shall not exceed 3 percent of the*  
 14                              *amount of Federal funds provided to*  
 15                              *carry out that program in the State*  
 16                              *for a fiscal year.*

17                           (ii) *OTHER ONE-STOP PART-*  
 18                           *NERS.—The portion of funds required*  
 19                           *to be contributed under this paragraph*  
 20                           *from a program described in subsection*  
 21                           *(b)(1) other than the programs de-*  
 22                           *scribed in subclause (I) shall not exceed*  
 23                           *1.5 percent of the amount of Federal*  
 24                           *funds provided to carry out that pro-*  
 25                           *gram in the State for a fiscal year.*

1 (III) VOCATIONAL REHABILITA-  
2 TION.—Notwithstanding subclauses (I)  
3 and (II), an entity administering a  
4 program described in subsection  
5 (b)(1)(B)(iv) shall not be required to  
6 provide from that program, under this  
7 paragraph, a portion that exceeds—

8 (aa) 0.75 percent of the  
9 amount of Federal funds provided  
10 to carry out such program in the  
11 State for the second full program  
12 year that begins after the date of  
13 enactment of this Act;

14 (bb) 1.0 percent of the  
15 amount provided to carry out  
16 such program in the State for the  
17 third full program year that be-  
18 gins after such date;

19 (cc) 1.25 percent of the  
20 amount provided to carry out  
21 such program in the State for the  
22 fourth full program year that be-  
23 gins after such date; and

24 (dd) 1.5 percent of the  
25 amount provided to carry out

1                    *such program in the State for the*  
 2                    *fifth and each succeeding full pro-*  
 3                    *gram year that begins after such*  
 4                    *date.*

5                    *(iii) FEDERAL DIRECT SPENDING PRO-*  
 6                    *GRAMS.—For local areas in a State that are*  
 7                    *not covered by paragraph (1)(A)(i)(I), an*  
 8                    *entity administering a program funded*  
 9                    *with direct spending as defined in section*  
 10                    *250(c)(8) of the Balanced Budget and*  
 11                    *Emergency Deficit Control Act of 1985, as*  
 12                    *in effect on August 2, 2011 (2 U.S.C.*  
 13                    *900(c)(8)) shall not be required to provide,*  
 14                    *for purposes of this paragraph, an amount*  
 15                    *in excess of the amount determined under*  
 16                    *subparagraph (C)(i) to be equivalent to the*  
 17                    *cost of the proportionate use of the one-stop*  
 18                    *centers for the one-stop partner for such*  
 19                    *program in the State.*

20                    *(iv) NATIVE AMERICAN PROGRAMS.—*  
 21                    *One-stop partners for Native American pro-*  
 22                    *grams established under section 266 shall*  
 23                    *not be subject to the provisions of this sub-*  
 24                    *section (other than this clause) or subsection*  
 25                    *(i). For purposes of subsection*

1           (c)(2)(A)(ii)(II), the method for determining  
2           the appropriate portion of funds to be pro-  
3           vided by such partners to pay for the costs  
4           of infrastructure of a one-stop center shall  
5           be determined as part of the development of  
6           the memorandum of understanding under  
7           subsection (c) for the one-stop center and  
8           shall be stated in the memorandum.

9           (E) *APPEAL BY ONE-STOP PARTNERS.*—The  
10          Governor shall establish a process, described  
11          under section 112(b)(2)(D)(i)(V), for a one-stop  
12          partner administering a program described in  
13          subsection (b)(1) to appeal a determination re-  
14          garding the portion of funds to be provided  
15          under this paragraph. Such a determination  
16          may be appealed under the process on the basis  
17          that such determination is inconsistent with the  
18          requirements of this paragraph. Such process  
19          shall ensure prompt resolution of the appeal in  
20          order to ensure the funds are distributed in a  
21          timely manner, consistent with the requirements  
22          of section 282(e).

23          (3) *ALLOCATION BY GOVERNOR.*—

24                (A) *IN GENERAL.*—From the funds provided  
25          under paragraph (1), the Governor shall allocate

1        *the funds to local areas described in subpara-*  
2        *graph (B) in accordance with the formula estab-*  
3        *lished under subparagraph (B) for the purposes*  
4        *of assisting in paying the costs of infrastructure*  
5        *of one-stop centers.*

6                (B) *ALLOCATION FORMULA.—The State*  
7        *board shall develop a formula to be used by the*  
8        *Governor to allocate the funds provided under*  
9        *paragraph (1) to local areas not funding costs of*  
10       *infrastructure under the option described in*  
11       *paragraph (1)(A)(i)(I). The formula shall be*  
12       *based on factors including the number of one-*  
13       *stop centers in a local area, the population*  
14       *served by such centers, the services provided by*  
15       *such centers, and other factors relating to the*  
16       *performance of such centers that the State board*  
17       *determines are appropriate.*

18               (4) *COSTS OF INFRASTRUCTURE.—In this sub-*  
19       *section, the term “costs of infrastructure”, used with*  
20       *respect to a one-stop center, means the nonpersonnel*  
21       *costs that are necessary for the general operation of*  
22       *the one-stop center, including the rental costs of the*  
23       *facilities, the costs of utilities and maintenance,*  
24       *equipment (including assessment-related products and*  
25       *assistive technology for individuals with disabilities),*

1 *and technology to facilitate access to the one-stop cen-*  
2 *ter, including the center's planning and outreach ac-*  
3 *tivities.*

4 *(i) OTHER FUNDS.—*

5 *(1) IN GENERAL.—Subject to the memorandum*  
6 *of understanding described in subsection (c) for the*  
7 *one-stop delivery system involved, in addition to the*  
8 *funds provided to carry out subsection (h), a portion*  
9 *of funds made available under Federal law author-*  
10 *izing the programs described in subsection (b) and*  
11 *administered by one-stop partners, or the noncash re-*  
12 *sources available under such programs, shall be used*  
13 *to pay the additional costs relating to the operation*  
14 *of the one-stop delivery system that are not paid from*  
15 *the funds provided under subsection (h), as deter-*  
16 *mined in accordance with paragraph (3), to the ex-*  
17 *tent not inconsistent with the Federal law involved.*  
18 *Such costs shall include the costs of the provision of*  
19 *core services described in section 234(c)(2) applicable*  
20 *to each program and may include common costs that*  
21 *are not paid from the funds provided under sub-*  
22 *section (h).*

23 *(2) SHARED SERVICES.—The costs described*  
24 *under paragraph (1) may include costs of services*  
25 *that are authorized for and may be commonly pro-*

1        *vided through the one-stop partner programs to any*  
 2        *individual, such as initial intake, assessment of needs,*  
 3        *appraisal of basic skills, identification of appropriate*  
 4        *services to meet such needs, referrals to other one-stop*  
 5        *partners, and other similar services.*

6                (3) *DETERMINATION AND GUIDANCE.—The meth-*  
 7        *od for determining the appropriate portion of funds*  
 8        *and noncash resources to be provided by the one-stop*  
 9        *partner for each program under paragraph (1) for a*  
 10        *one-stop center shall be determined as part of the de-*  
 11        *velopment of the memorandum of understanding*  
 12        *under subsection (c) for the one-stop center and shall*  
 13        *be stated in the memorandum. The State board shall*  
 14        *provide guidance to facilitate the determination, for*  
 15        *purposes of the memorandum of understanding, of an*  
 16        *appropriate allocation of the funds and noncash re-*  
 17        *sources in local areas, consistent with the require-*  
 18        *ments of section 111(d)(7)(C)(i).*

19    **SEC. 222. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**  
 20                **TRAINING SERVICES.**

21        (a) *ELIGIBILITY.—*

22                (1) *IN GENERAL.—Except as provided in sub-*  
 23        *section (h), the Governor, after consultation with the*  
 24        *State board, shall establish criteria, information re-*  
 25        *quirements, and procedures regarding the eligibility*

1       *of providers of training services to receive funds pro-*  
 2       *vided under section 233(b) for the provision of train-*  
 3       *ing services in local areas in the State.*

4           (2) *PROVIDERS.*—*Subject to the provisions of*  
 5       *this section, to be eligible to receive those funds for the*  
 6       *provision of training services, the provider shall be—*

7           (A) *an institution of higher education that*  
 8       *provides a program that leads to a recognized*  
 9       *postsecondary credential;*

10          (B) *an entity that carries out programs reg-*  
 11       *istered under the Act of August 16, 1937 (com-*  
 12       *monly known as the “National Apprenticeship*  
 13       *Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et*  
 14       *seq.); or*

15          (C) *another public or private provider of a*  
 16       *program of training services, which may include*  
 17       *joint labor-management organizations, and eligi-*  
 18       *ble providers of adult education and literacy ac-*  
 19       *tivities under title III if such activities are pro-*  
 20       *vided in combination with occupational skills*  
 21       *training.*

22          (3) *INCLUSION IN LIST OF ELIGIBLE PRO-*  
 23       *VIDERS.*—*A provider described in subparagraph (A)*  
 24       *or (C) of paragraph (2) shall comply with the cri-*  
 25       *teria, information requirements, and procedures es-*



1 *tablished under this section to be included on the list*  
 2 *of eligible providers of training services described in*  
 3 *subsection (d). A provider described in paragraph*  
 4 *(2)(B) shall be included and maintained on the list*  
 5 *of eligible providers of training services described in*  
 6 *subsection (d) for so long as the corresponding pro-*  
 7 *gram of the provider remains registered as described*  
 8 *in paragraph (2)(B).*

9 *(b) CRITERIA AND INFORMATION REQUIREMENTS.—*

10 *(1) STATE CRITERIA.—In establishing criteria*  
 11 *pursuant to subsection (a), the Governor shall take*  
 12 *into account each of the following:*

13 *(A) The performance of providers of train-*  
 14 *ing services with respect to—*

15 *(i) the performance accountability*  
 16 *measures and other matters for which infor-*  
 17 *mation is required under paragraph (2);*  
 18 *and*

19 *(ii) other appropriate measures of per-*  
 20 *formance outcomes determined by the Gov-*  
 21 *ernor for those participants receiving train-*  
 22 *ing services under this subtitle (taking into*  
 23 *consideration the characteristics of the pop-*  
 24 *ulation served and relevant economic condi-*  
 25 *tions), and the outcomes of the program*

1           *through which those training services were*  
2           *provided for students in general with re-*  
3           *spect to employment and earnings as de-*  
4           *finied under section 131(b)(2).*

5           *(B) The need to ensure access to training*  
6           *services throughout the State, including through*  
7           *the use of technology.*

8           *(C) Information reported to State agencies*  
9           *with respect to Federal and State programs in-*  
10          *volving training services (other than the program*  
11          *carried out under this subtitle), including one-*  
12          *stop partner programs.*

13          *(D) The requirements for State licensing of*  
14          *providers of training services, and the licensing*  
15          *status of providers of training services if appli-*  
16          *cable.*

17          *(E) Ways in which the criteria can encour-*  
18          *age, to the extent practicable, the providers to use*  
19          *industry-recognized certificates or certifications.*

20          *(F) The ability of the providers to offer pro-*  
21          *grams that lead to recognized postsecondary cre-*  
22          *dentials.*

23          *(G) The quality of a program of training*  
24          *services, including a program of training serv-*

1           ices that leads to a recognized postsecondary cre-  
2           dential.

3           (H) *The ability of the providers to provide*  
4           *training services to individuals who are em-*  
5           *ployed and individuals with barriers to employ-*  
6           *ment.*

7           (I) *Such other factors as the Governor deter-*  
8           *mines are appropriate to ensure—*

9                   (i) *the accountability of the providers;*

10                   (ii) *that the one-stop centers in the*  
11                   *State will ensure that such providers meet*  
12                   *the needs of local employers and partici-*  
13                   *pants;*

14                   (iii) *the informed choice of partici-*  
15                   *pants among training services providers;*  
16                   *and*

17                   (iv) *that the collection of information*  
18                   *required to demonstrate compliance with the*  
19                   *criteria is not unduly burdensome or costly*  
20                   *to providers.*

21           (2) *STATE INFORMATION REQUIREMENTS.—The*  
22           *information requirements established by the Governor*  
23           *shall require that a provider of training services sub-*  
24           *mit appropriate, accurate, and timely information to*  
25           *the State, to enable the State to carry out subsection*

1       (d), with respect to participants receiving training  
 2       services under this subtitle in the applicable program,  
 3       including—

4               (A) information on the performance of the  
 5               provider with respect to the performance ac-  
 6               countability measures described in section 131  
 7               for such participants (taking into consideration  
 8               the characteristics of the population served and  
 9               relevant economic conditions), and information  
 10              specifying the percentage of such participants  
 11              who entered unsubsidized employment in an oc-  
 12              cupation related to the program, to the extent  
 13              practicable;

14             (B) information on recognized postsec-  
 15             ondary credentials received by such participants;

16             (C) information on program costs (such as  
 17             costs of tuition and fees) for participants in the  
 18             program;

19             (D) information on the program completion  
 20             rate for such participants; and

21             (E) information on the criteria described in  
 22             paragraph (1).

23             (3) *LOCAL CRITERIA AND INFORMATION RE-*  
 24             *QUIREMENTS.*—A local board in the State may estab-  
 25             lish criteria and information requirements in addi-

tion to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) for the provision of training services in the local area involved.

(4) *CRITERIA AND INFORMATION REQUIREMENTS TO ESTABLISH INITIAL ELIGIBILITY.*—

(A) *PURPOSE.*—The purpose of this paragraph is to enable the providers of programs carried out under chapter 3 to offer the highest quality training services and be responsive to in-demand and emerging industries by providing training services for those industries.

(B) *INITIAL ELIGIBILITY.*—Providers may seek initial eligibility under this paragraph as providers of training services. The criteria and information requirements established by the Governor under this paragraph shall require that a provider who has not previously been an eligible provider of training services under this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date

1       *of enactment of this Act) provide the information*  
 2       *described in subparagraph (C).*

3               *(C) INFORMATION.—The provider shall pro-*  
 4       *vide verifiable program-specific performance in-*  
 5       *formation based on criteria established by the*  
 6       *State as described in subparagraph (D) that*  
 7       *supports the provider’s ability to serve partici-*  
 8       *pants under this subtitle.*

9               *(D) CRITERIA.—The criteria described in*  
 10       *subparagraph (C) shall include at least—*

11               *(i) a factor related to indicators de-*  
 12       *scribed in section 131;*

13               *(ii) a factor concerning whether the*  
 14       *provider is in a partnership with business;*

15               *(iii) other factors that indicate high-*  
 16       *quality training services; and*

17               *(iv) a factor concerning alignment of*  
 18       *the training services with industries pro-*  
 19       *jected to have potential for employment op-*  
 20       *portunities, to the extent practicable.*

21               *(E) PROVISION.—The provider shall provide*  
 22       *the information described in subparagraph (C)*  
 23       *to the Governor and the local board in a manner*  
 24       *that will permit the Governor and the local*  
 25       *board to make a decision on inclusion of the pro-*

1           vider on the list of eligible providers described in  
2           subsection (d).

3       (c) *PROCEDURES.*—

4           (1) *APPLICATION PROCEDURES.*—The procedures  
5           established under subsection (a) shall identify the ap-  
6           plication process for a provider of training services to  
7           become eligible to receive funds provided under section  
8           233(b) for the provision of training services. The pro-  
9           cedures shall identify the respective roles of the State  
10          and local areas in receiving and reviewing the appli-  
11          cations and in making determinations of such eligi-  
12          bility based on the criteria, information, and proce-  
13          dures established under this section. The procedures  
14          shall also establish a process for a provider of train-  
15          ing services to appeal a denial or termination of eli-  
16          gibility under this section that includes an oppor-  
17          tunity for a hearing and prescribes appropriate time  
18          limits to ensure prompt resolution of the appeal.

19          (2) *RENEWAL PROCEDURES.*—The procedures es-  
20          tablished by the Governor shall also provide for bien-  
21          nial review and renewal of eligibility under this sec-  
22          tion for providers of training services.

23       (d) *LIST AND INFORMATION TO ASSIST PARTICIPANTS*  
24 *IN CHOOSING PROVIDERS.*—

1           (1) *IN GENERAL.*—*In order to facilitate and as-*  
2           *sist participants in choosing employment and train-*  
3           *ing activities and in choosing providers of training*  
4           *services, the Governor shall ensure that an appro-*  
5           *priate list of providers determined to be eligible under*  
6           *this section to offer a program in the State (and, as*  
7           *appropriate, in a local area), accompanied by infor-*  
8           *mation identifying the recognized postsecondary cre-*  
9           *dential offered by the provider and other appropriate*  
10          *information, is provided to the one-stop delivery sys-*  
11          *tem in the State.*

12          (2) *ACCOMPANYING INFORMATION.*—*The accom-*  
13          *panying information shall—*

14                (A) *with respect to providers described in*  
15                *subparagraphs (A) and (C) of subsection (a)(2),*  
16                *consist of information provided by such pro-*  
17                *viders, disaggregated by local areas served, as*  
18                *applicable, in accordance with subsection (b);*

19                (B) *with respect to providers described in*  
20                *subsection (b)(4), consist of information provided*  
21                *by such providers in accordance with subsection*  
22                *(b)(4); and*

23                (C) *such other information as the Governor*  
24                *determines to be appropriate.*



1           (3) *AVAILABILITY.*—*The list and the accom-*  
2           *panying information shall be made available to such*  
3           *participants and to members of the public through the*  
4           *one-stop delivery system in the State, in a manner*  
5           *that does not reveal personally identifiable informa-*  
6           *tion about an individual participant.*

7           (e) *OPPORTUNITY TO SUBMIT COMMENTS.*—*In estab-*  
8           *lishing, under this section, criteria, information require-*  
9           *ments, procedures, and the list of eligible providers de-*  
10          *scribed in subsection (d), the Governor shall provide an op-*  
11          *portunity for interested members of the public to make rec-*  
12          *ommendations and submit comments regarding such cri-*  
13          *teria, information requirements, procedures, and list.*

14          (f) *ENFORCEMENT.*—

15               (1) *IN GENERAL.*—*The procedures established*  
16          *under this section shall provide the following:*

17                       (A) *INTENTIONALLY SUPPLYING INAC-*  
18                       *CURATE INFORMATION.*—*Upon a determination,*  
19                       *by an individual or entity specified in the proce-*  
20                       *dures, that a provider of training services, or in-*  
21                       *dividual providing information on behalf of the*  
22                       *provider, violated this section (or section 122 of*  
23                       *the Workforce Investment Act of 1998, as in ef-*  
24                       *fect on the day before the date of enactment of*  
25                       *this Act) by intentionally supplying inaccurate*

1        *information under this section, the eligibility of*  
2        *such provider to receive funds under chapter 3*  
3        *shall be terminated for a period of time that is*  
4        *not less than 2 years.*

5                (B) *SUBSTANTIAL VIOLATIONS.*—*Upon a de-*  
6        *termination, by an individual or entity specified*  
7        *in the procedures, that a provider of training*  
8        *services substantially violated any requirement*  
9        *under this title (or title I of the Workforce In-*  
10       *vestment Act of 1998, as in effect on the day be-*  
11       *fore such date of enactment), the eligibility of*  
12       *such provider to receive funds under chapter 3*  
13       *for the program involved may be terminated, or*  
14       *other appropriate action may be taken.*

15               (C) *REPAYMENT.*—*A provider of training*  
16       *services whose eligibility is terminated under*  
17       *subparagraph (A) or (B) shall be liable for the*  
18       *repayment of funds received under chapter 5 of*  
19       *subtitle B of title I of the Workforce Investment*  
20       *Act of 1998, as in effect on the day before such*  
21       *date of enactment, or chapter 3 of this subtitle*  
22       *during a period of violation described in such*  
23       *subparagraph.*

24               (2) *CONSTRUCTION.*—*Paragraph (1) shall be*  
25       *construed to provide remedies and penalties that sup-*

1        *plement, but shall not supplant, civil and criminal*  
2        *remedies and penalties specified in other provisions of*  
3        *law.*

4        *(g) AGREEMENTS WITH OTHER STATES.—States may*  
5        *enter into agreements, on a reciprocal basis, to permit eligi-*  
6        *ble providers of training services to accept individual train-*  
7        *ing accounts provided in another State.*

8        *(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING,*  
9        *INCUMBENT WORKER TRAINING, AND OTHER TRAINING*  
10       *EXCEPTIONS.—*

11            *(1) IN GENERAL.—Providers of on-the-job train-*  
12        *ing, customized training, incumbent worker training,*  
13        *internships, and paid or unpaid work experience op-*  
14        *portunities, or transitional employment shall not be*  
15        *subject to the requirements of subsections (a) through*  
16        *(g).*

17            *(2) COLLECTION AND DISSEMINATION OF INFOR-*  
18        *MATION.—A one-stop operator in a local area shall*  
19        *collect such performance information from providers*  
20        *of on-the-job training, customized training, incumbent*  
21        *worker training, internships, paid or unpaid work ex-*  
22        *perience opportunities, and transitional employment*  
23        *as the Governor may require, and use the information*  
24        *to determine whether the providers meet such perform-*  
25        *ance criteria as the Governor may require. The one-*

1       stop operator shall disseminate information identi-  
 2       fying such providers that meet the criteria as eligible  
 3       providers, and the performance information, through  
 4       the one-stop delivery system. Providers determined to  
 5       meet the criteria shall be considered to be identified  
 6       as eligible providers of training services.

7       (i) *TRANSITION PERIOD FOR IMPLEMENTATION.*—The  
 8       Governor and local boards shall implement the require-  
 9       ments of this section not later than 12 months after the date  
 10      of enactment of this Act. In order to facilitate early imple-  
 11      mentation of this section, the Governor may establish tran-  
 12      sition procedures under which providers eligible to provide  
 13      training services under chapter 5 of subtitle B of title I  
 14      of the Workforce Investment Act of 1998, as such chapter  
 15      was in effect on the day before the date of enactment of  
 16      this Act, may continue to be eligible to provide such services  
 17      until December 31, 2015, or until such earlier date as the  
 18      Governor determines to be appropriate.

19   **SEC. 223. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE IN-**  
 20       **VESTMENT ACTIVITIES.**

21       (a) *IN GENERAL.*—From the funds allocated under sec-  
 22      tion 228(b) to a local area, the local board for such area  
 23      shall award grants or contracts on a competitive basis to  
 24      providers of youth workforce investment activities identified  
 25      based on the criteria in the State plan (including such qual-

1 *ity criteria as the Governor shall establish for a training*  
 2 *program that leads to a recognized postsecondary creden-*  
 3 *tial) as described in section 112(b)(2)(D)(i)(VI) and shall*  
 4 *conduct oversight with respect to such providers.*

5 *(b) EXCEPTIONS.—A local board may award grants or*  
 6 *contracts on a sole-source basis if such board determines*  
 7 *there is an insufficient number of eligible providers of youth*  
 8 *workforce investment activities in the local area involved*  
 9 *(such as a rural area) for grants and contracts to be award-*  
 10 *ed on a competitive basis under subsection (a).*

## 11 **CHAPTER 2—YOUTH WORKFORCE**

### 12 **INVESTMENT ACTIVITIES**

#### 13 **SEC. 226. GENERAL AUTHORIZATION.**

14 *The Secretary shall make an allotment under section*  
 15 *227(b)(1)(C) to each State that meets the requirements of*  
 16 *section 112 or 113 and a grant under section 227(b)(1)(B)*  
 17 *to each outlying area that complies with the requirements*  
 18 *of this title, to assist the State or outlying area, and to*  
 19 *enable the State or outlying area to assist local areas, for*  
 20 *the purpose of providing workforce investment activities for*  
 21 *eligible youth in the State or outlying area and in the local*  
 22 *areas.*

#### 23 **SEC. 227. STATE ALLOTMENTS.**

24 *(a) IN GENERAL.—The Secretary shall—*

(1) for each fiscal year for which the amount appropriated under section 236(a) exceeds \$1,000,000,000, reserve a portion (but not more than \$10,000,000) of the amount appropriated under section 236(a) to provide youth workforce investment activities under section 267 (relating to migrant and seasonal farmworkers); and

(2) use the remainder of the amount appropriated under section 236(a) for a fiscal year to make allotments and grants in accordance with subsection (b).

(b) ALLOTMENT AMONG STATES.—

(1) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

(A) NATIVE AMERICANS.—From the amount appropriated under section 236(a) for a fiscal year that is not reserved under subsection (a)(1), the Secretary shall reserve not more than 1 1/2 percent of such amount to provide youth workforce investment activities under section 266 (relating to Native Americans).

(B) OUTLYING AREAS.—

(i) IN GENERAL.—From the amount appropriated under section 236(a) for each fiscal year that is not reserved under sub-

1            *section (a)(1) and subparagraph (A), the*  
 2            *Secretary shall reserve not more than 1/4 of*  
 3            *1 percent of such amount to provide assist-*  
 4            *ance to the outlying areas to carry out*  
 5            *youth workforce investment activities and*  
 6            *statewide workforce investment activities.*

7            *(ii)    LIMITATION    FOR    OUTLYING*  
 8            *AREAS.—*

9            *(I)    COMPETITIVE    GRANTS.—The*  
 10           *Secretary shall use funds reserved*  
 11           *under clause (i) to award grants to*  
 12           *outlying areas to carry out youth*  
 13           *workforce investment activities and*  
 14           *statewide workforce investment activi-*  
 15           *ties.*

16           *(II)    AWARD    BASIS.—The    Sec-*  
 17           *retary shall award grants pursuant to*  
 18           *subclause (I) on a competitive basis*  
 19           *and pursuant to the recommendations*  
 20           *of experts in the field of employment*  
 21           *and training, working through the Pa-*  
 22           *cific Region Educational Laboratory*  
 23           *in Honolulu, Hawaii.*

24           *(III)    ADMINISTRATIVE    COSTS.—*  
 25           *The Secretary may provide not more*

1           *than 5 percent of the funds made*  
 2           *available for grants under subclause (I)*  
 3           *to pay the administrative costs of the*  
 4           *Pacific Region Educational Labora-*  
 5           *tory in Honolulu, Hawaii, regarding*  
 6           *activities assisted under this clause.*

7           *(iii) ADDITIONAL REQUIREMENT.—The*  
 8           *provisions of section 501 of Public Law 95–*  
 9           *134 (48 U.S.C. 1469a), permitting the con-*  
 10          *solidation of grants by the outlying areas,*  
 11          *shall not apply to assistance provided to*  
 12          *those areas, including Palau, under this*  
 13          *subparagraph.*

14          *(C) STATES.—*

15           *(i) IN GENERAL.—From the remainder*  
 16           *of the amount appropriated under section*  
 17           *236(a) for a fiscal year that exists after the*  
 18           *Secretary determines the amounts to be re-*  
 19           *served under subsection (a)(1) and subpara-*  
 20           *graphs (A) and (B), the Secretary shall*  
 21           *make allotments to the States in accordance*  
 22           *with clause (ii).*

23           *(ii) FORMULA.—Subject to clauses (iii)*  
 24           *and (iv), of the amount described in clause*  
 25           *(i), the Secretary shall allot—*



1           (I)  $33\frac{1}{3}$  percent on the basis of  
 2           the relative number of individuals in  
 3           the civilian labor force who are ages 16  
 4           through 21 in each State, compared to  
 5           the total number of individuals in the  
 6           civilian labor force who are ages 16  
 7           through 21 in all States;

8           (II)  $33\frac{1}{3}$  percent on the basis of  
 9           the relative number of unemployed in-  
 10          dividuals in each State, compared to  
 11          the total number of unemployed indi-  
 12          viduals in all States; and

13          (III)  $33\frac{1}{3}$  percent on the basis of  
 14          the relative number of disadvantaged  
 15          youth who are ages 16 through 21 in  
 16          each State, compared to the total num-  
 17          ber of disadvantaged youth who are  
 18          ages 16 through 21 in all States.

19          (iii) MINIMUM AND MAXIMUM PER-  
 20          CENTAGES.—

21               (I) MINIMUM PERCENTAGE.—The  
 22               Secretary shall ensure that no State  
 23               shall receive an allotment percentage  
 24               under this subparagraph for a fiscal  
 25               year that is less than 90 percent of the

allotment percentage of the State for the preceding fiscal year.

(II) *MAXIMUM PERCENTAGE.*—

Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(iv) *SMALL STATE MINIMUM ALLOTMENT.*—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(I)  $\frac{3}{10}$  of 1 percent of \$1,000,000,000, from the remainder described in clause (i) for the fiscal year; and

(II) if the remainder described in clause (i) for the fiscal year exceeds \$1,000,000,000,  $\frac{2}{5}$  of 1 percent of the excess.

(2) *DEFINITIONS.*—In paragraph (1):

1           (A) *ALLOTMENT PERCENTAGE.*—*The term*  
 2           *“allotment percentage”, used with respect to fis-*  
 3           *cal year 2014 or a subsequent fiscal year, means*  
 4           *a percentage of the remainder described in para-*  
 5           *graph (1)(C)(i) that is received by the State in-*  
 6           *volved through an allotment made under this*  
 7           *subsection for the fiscal year. The term, used*  
 8           *with respect to fiscal year 2013, means the per-*  
 9           *centage of the amount allotted to States under*  
 10           *chapter 4 of subtitle B of title I of the Workforce*  
 11           *Investment Act of 1998 (as in effect on the day*  
 12           *before the date of enactment of this Act) that is*  
 13           *received by the State involved for fiscal year*  
 14           *2013.*

15           (B) *DISADVANTAGED YOUTH.*—*Subject to*  
 16           *paragraph (3), the term “disadvantaged youth”*  
 17           *means an individual who—*

18                   (i) *is age 16 through 21; and*

19                   (ii) *received an income, or is a member*  
 20                   *of a family that received a total family in-*  
 21                   *come, that, in relation to family size, does*  
 22                   *not exceed 150 percent of the poverty line.*

23           (3) *SPECIAL RULE.*—*For purposes of the formula*  
 24           *specified in paragraph (1)(C)(ii), the Secretary shall,*  
 25           *as appropriate and to the extent practicable, exclude*

1 college students and members of the Armed Forces  
2 from the determination of the number of disadvan-  
3 tagged youth.

4 (c) *REALLOTMENT*.—

5 (1) *IN GENERAL*.—The Secretary shall, in ac-  
6 cordance with this subsection, reallocate to eligible States  
7 amounts that are made available to States from allot-  
8 ments made under this section or a corresponding  
9 provision of the Workforce Investment Act of 1998 for  
10 youth workforce investment activities and statewide  
11 workforce investment activities (referred to individ-  
12 ually in this subsection as a “State allotment”) and  
13 that are available for reallocation.

14 (2) *AMOUNT*.—The amount available for reallo-  
15 tment for a program year is equal to the amount by  
16 which the unobligated balance from State allotments  
17 to the State at the end of the program year prior to  
18 the program year for which the determination is  
19 made, exceeds 10 percent of the total amount of funds  
20 available to the State for that prior program year,  
21 consisting of the State allotment to the State for such  
22 prior program year (and amounts from State allot-  
23 ments to the State, for all program years before that  
24 prior program year, that remained available).

1           (3) *REALLOTMENT.*—*In making reallocations to*  
2           *eligible States of amounts available pursuant to para-*  
3           *graph (2) for a program year, the Secretary shall*  
4           *allot to each eligible State an amount based on the*  
5           *relative amount of the State allotment for the pro-*  
6           *gram year for which the determination is made, as*  
7           *compared to the total amount of the State allotments*  
8           *for all eligible States for such program year.*

9           (4) *ELIGIBILITY.*—*For purposes of this sub-*  
10          *section, an eligible State means a State that does not*  
11          *have an amount available for reallocation under para-*  
12          *graph (2) for the program year for which the deter-*  
13          *mination under paragraph (2) is made.*

14          (5) *PROCEDURES.*—*The Governor shall prescribe*  
15          *uniform procedures for the obligation of funds by*  
16          *local areas within the State in order to avoid the re-*  
17          *quirement that funds be made available for reallo-*  
18          *ment under this subsection. The Governor shall fur-*  
19          *ther prescribe equitable procedures for making funds*  
20          *available from the State and local areas in the event*  
21          *that a State is required to make funds available for*  
22          *reallocation under this subsection.*

23 **SEC. 228. WITHIN STATE ALLOCATIONS.**

24          (a) *RESERVATIONS FOR STATEWIDE ACTIVITIES.*—

1           (1) *IN GENERAL.*—*The Governor shall reserve*  
2           *not more than 15 percent of each of the amounts al-*  
3           *lotted to the State under section 227(b)(1)(C) and*  
4           *paragraphs (1)(B) and (2)(B) of section 232(b) for a*  
5           *fiscal year for statewide workforce investment activi-*  
6           *ties.*

7           (2) *USE OF FUNDS.*—*Regardless of whether the*  
8           *reserved amounts were allotted under section*  
9           *227(b)(1)(C), or under paragraph (1)(B) or (2)(B) of*  
10          *section 232(b), the Governor may use the reserved*  
11          *amounts to carry out statewide activities under sec-*  
12          *tion 229(b) or statewide employment and training ac-*  
13          *tivities, for adults or dislocated workers, under section*  
14          *234(a).*

15          (b) *WITHIN STATE ALLOCATIONS.*—

16               (1) *IN GENERAL.*—*Of the amount allotted to the*  
17               *State under section 227(b)(1)(C) and not reserved*  
18               *under subsection (a)(1)—*

19                       (A) *a portion equal to not less than 80 per-*  
20                       *cent of such amount shall be allocated by the*  
21                       *Governor to local areas in accordance with para-*  
22                       *graph (2); and*

23                       (B) *a portion equal to not more than 20*  
24                       *percent of such amount may be allocated by the*

1 Governor to local areas in accordance with para-  
2 graph (3).

3 (2) *ESTABLISHED FORMULA.*—

4 (A) *IN GENERAL.*—Subject to subparagraph  
5 (B), of the portion described in paragraph  
6 (1)(A), the Governor shall allocate—

7 (i)  $33\frac{1}{3}$  percent on the basis of the  
8 relative number of individuals in the civil-  
9 ian labor force who are ages 16 through 21  
10 in each local area, compared to the total  
11 number of individuals in the civilian labor  
12 force who are ages 16 through 21 in all  
13 local areas in the State;

14 (ii)  $33\frac{1}{3}$  percent on the basis of the  
15 relative number of unemployed individuals  
16 in each local area, compared to the total  
17 number of unemployed individuals in all  
18 local areas in the State; and

19 (iii)  $33\frac{1}{3}$  percent on the basis of the  
20 relative number of disadvantaged youth who  
21 are ages 16 through 21 in each local area,  
22 compared to the total number of disadvan-  
23 taged youth who are ages 16 through 21 in  
24 all local areas in the State.

1                   (B) *MINIMUM AND MAXIMUM PERCENT-*  
 2                   *AGES.—*

3                   (i) *MINIMUM PERCENTAGE.—The Gov-*  
 4                   *ernor shall ensure that no local area shall*  
 5                   *receive an allocation percentage under this*  
 6                   *paragraph for a fiscal year that is less than*  
 7                   *90 percent of the allocation percentage of*  
 8                   *the local area for the preceding fiscal year.*

9                   (ii) *MAXIMUM PERCENTAGE.—Subject*  
 10                  *to clause (i), the Governor shall ensure that*  
 11                  *no local area shall receive an allocation per-*  
 12                  *centage under this paragraph for a fiscal*  
 13                  *year that is more than 130 percent of the*  
 14                  *allocation percentage of the local area for*  
 15                  *the preceding fiscal year.*

16               (C) *DEFINITIONS.—In this paragraph:*

17               (i) *ALLOCATION PERCENTAGE.—The*  
 18               *term “allocation percentage”, used with re-*  
 19               *spect to fiscal year 2014 or a subsequent fis-*  
 20               *cal year, means a percentage of the portion*  
 21               *described in paragraph (1)(A) that is re-*  
 22               *ceived by the local area involved through an*  
 23               *allocation made under this paragraph for*  
 24               *the fiscal year. The term, used with respect*  
 25               *to fiscal year 2013, means the percentage of*



1           *the amount allocated to local areas under*  
 2           *chapter 4 of subtitle B of title I of the Work-*  
 3           *force Investment Act of 1998 (as in effect on*  
 4           *the day before the date of enactment of this*  
 5           *Act) that is received by the local area in-*  
 6           *volved for fiscal year 2013.*

7           (ii) *DISADVANTAGED YOUTH.*—*Subject*  
 8           *to subparagraph (D), the term “disadvan-*  
 9           *tagged youth” means an individual who—*

10                   *(I) is age 16 through 21; and*

11                   *(II) received an income, or is a*  
 12                   *member of a family that received a*  
 13                   *total family income, that, in relation*  
 14                   *to family size, does not exceed 150 per-*  
 15                   *cent of the poverty line.*

16           (D) *SPECIAL RULE.*—*For purposes of the*  
 17           *formula specified in subparagraph (A), the Gov-*  
 18           *ernor shall, as appropriate and to the extent*  
 19           *practicable, exclude college students and members*  
 20           *of the Armed Forces from the determination of*  
 21           *the number of disadvantaged youth.*

22           (3) *YOUTH DISCRETIONARY ALLOCATION.*—*The*  
 23           *Governor may allocate the portion described in para-*  
 24           *graph (1)(B) to local areas where there are a signifi-*

1        *cant number of eligible youth, after consultation with*  
 2        *the State board and local boards.*

3            (4) *LOCAL ADMINISTRATIVE COST LIMIT.—*

4            (A) *IN GENERAL.—Of the amount allocated*  
 5            *to a local area under this subsection and section*  
 6            *233(b) for a fiscal year, not more than 10 per-*  
 7            *cent of the amount may be used by the local*  
 8            *board involved for the administrative costs of*  
 9            *carrying out local workforce investment activities*  
 10          *under this chapter or chapter 3.*

11          (B) *USE OF FUNDS.—Funds made available*  
 12          *for administrative costs under subparagraph (A)*  
 13          *may be used for the administrative costs of any*  
 14          *of the local workforce investment activities de-*  
 15          *scribed in this chapter or chapter 3, regardless of*  
 16          *whether the funds were allocated under this sub-*  
 17          *section or section 233(b).*

18          (c) *REALLOCATION AMONG LOCAL AREAS.—*

19          (1) *IN GENERAL.—The Governor may, in accord-*  
 20          *ance with this subsection and after consultation with*  
 21          *the State Board, reallocate to eligible local areas with-*  
 22          *in the State amounts that are made available to local*  
 23          *areas from allocations made under this section or a*  
 24          *corresponding provision of the Workforce Investment*  
 25          *Act of 1998 for youth workforce investment activities*

1       *(referred to individually in this subsection as a “local*  
2       *allocation”)* and that are available for reallocation.

3           (2) *AMOUNT.—*

4               (A) *IN GENERAL.—The amount available*  
5       *for reallocation for a program year is equal to*  
6       *the amount by which the balance that is unobli-*  
7       *gated and unencumbered for training services at*  
8       *the end of the program year prior to the pro-*  
9       *gram year for which the determination is made,*  
10       *exceeds 10 percent of the total amount of funds*  
11       *available to the local area for that prior program*  
12       *year, consisting of the local allocation to the*  
13       *local area for such prior program year (and*  
14       *amounts from local allocations to the local area,*  
15       *for all program years before that prior program*  
16       *year, that remained available).*

17               (B) *BALANCE OF FUNDS.—For purposes of*  
18       *this paragraph, the balance that is unobligated*  
19       *and unencumbered for training services is the*  
20       *amount that is the difference between—*

21                   (i) *the total amount of funds available*  
22       *to the local area under this section for that*  
23       *prior program year, consisting of the local*  
24       *allocation to the local area for such prior*  
25       *program year (and amounts from local allo-*

1           cations to the local area, for all program  
2           years before that prior program year, that  
3           remained available); and

4           (ii) the amount, from that total  
5           amount of available funds, that is obligated  
6           or encumbered (in accordance with gen-  
7           erally accepted accounting principles) for  
8           training services during such prior program  
9           year, except that for purposes of this para-  
10          graph the amount included as encumbered  
11          for training services shall not exceed 10 per-  
12          cent of the total amount of available funds  
13          described in clause (i).

14          (3) *REALLOCATION.*—In making reallocations to  
15          eligible local areas of amounts available pursuant to  
16          paragraph (2) for a program year, the Governor shall  
17          allocate to each eligible local area within the State an  
18          amount based on the relative amount of the local allo-  
19          cation for the program year for which the determina-  
20          tion is made, as compared to the total amount of the  
21          local allocations for all eligible local areas for such  
22          program year.

23          (4) *ELIGIBILITY.*—For purposes of this sub-  
24          section, an eligible local area means a local area that  
25          does not have an amount available for reallocation

1       under paragraph (2) for the program year for which  
2       the determination under paragraph (2) is made.

3               (5) *GUIDANCE AND TECHNICAL ASSISTANCE.*—

4       Not later than 90 days after the date of enactment of  
5       this Act, the Secretary shall issue guidance for imple-  
6       menting this subsection, and guidance for imple-  
7       menting section 233(c), including for calculating the  
8       amount of funds that are unobligated and the amount  
9       of funds that are unencumbered for training services.  
10      The Secretary shall also provide technical assistance  
11      to local areas regarding the implementation of this  
12      subsection.

13   **SEC. 229. USE OF FUNDS FOR YOUTH WORKFORCE INVEST-**  
14               **MENT ACTIVITIES.**

15           (a) *YOUTH PARTICIPANT ELIGIBILITY.*—

16               (1) *ELIGIBILITY.*—

17                   (A) *IN GENERAL.*—To be eligible to partici-  
18                   pate in activities carried out under this chapter  
19                   during any program year an individual shall, at  
20                   the time the eligibility determination is made, be  
21                   an out-of-school youth or an in-school youth.

22                   (B) *OUT-OF-SCHOOL YOUTH.*—In this title,  
23                   the term “out-of-school youth” means an indi-  
24                   vidual who is—

1           (i) *not attending any school (as de-*  
2 *fined under State law);*

3           (ii) *not younger than age 16 or older*  
4 *than age 24; and*

5           (iii) *one or more of the following:*

6               (I) *A school dropout.*

7               (II) *A youth who is within the*  
8 *age of compulsory school attendance,*  
9 *but has not attended school for at least*  
10 *the most recent complete school year*  
11 *calendar quarter.*

12           (III) *A recipient of a secondary*  
13 *school diploma or its recognized equiv-*  
14 *alent who is a low-income individual*  
15 *and is—*

16               (aa) *basic skills deficient; or*

17               (bb) *an English language*  
18 *learner.*

19           (IV) *An individual who is subject*  
20 *to the juvenile or adult justice system.*

21           (V) *A homeless individual (as de-*  
22 *fined in section 41403(6) of the Vio-*  
23 *lence Against Women Act of 1994 (42*  
24 *U.S.C. 14043e-2(6)), except that*  
25 *clauses (i)(IV) and (iii) of subpara-*

graph (B) of such section shall not apply), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), except that subparagraph (B)(iv) of such section shall not apply), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

(VI) An individual who is pregnant or parenting.

(VII) A youth who is an individual with a disability.

(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(C) IN-SCHOOL YOUTH.—In this section, the term “in-school youth” means an individual who is—

(i) attending school (as defined by State law);

1           (ii) not younger than age 14 or (unless  
2           an individual with a disability who is at-  
3           tending school under State law) older than  
4           age 21;

5           (iii) a low-income individual; and

6           (iv) one or more of the following:

7                   (I) Basic skills deficient.

8                   (II) An English language learner.

9                   (III) An offender.

10                   (IV) A homeless individual (as de-  
11                   fined in section 41403(6) of the Vio-  
12                   lence Against Women Act of 1994 (42  
13                   U.S.C. 14043e-2(6)), except that  
14                   clauses (i)(IV) and (iii) of subpara-  
15                   graph (B) of such section shall not  
16                   apply), a homeless child or youth (as  
17                   defined in section 725(2) of the McKin-  
18                   ney-Vento Homeless Assistance Act (42  
19                   U.S.C. 11434a(2)), except that sub-  
20                   paragraph (B)(iv) of such section shall  
21                   not apply), a runaway, in foster care  
22                   or has aged out of the foster care sys-  
23                   tem, a child eligible for assistance  
24                   under section 477 of the Social Secu-



1                    *urity Act (42 U.S.C. 677), or in an out-*  
 2                    *of-home placement.*

3                    *(V) Pregnant or parenting.*

4                    *(VI) A youth who is an indi-*  
 5                    *vidual with a disability.*

6                    *(VII) An individual who requires*  
 7                    *additional assistance to complete an*  
 8                    *educational program or to secure or*  
 9                    *hold employment.*

10                  *(2) SPECIAL RULE.—For the purpose of this sub-*  
 11                  *section, the term “low-income”, used with respect to*  
 12                  *an individual, also includes a youth living in a high-*  
 13                  *poverty area.*

14                  *(3) EXCEPTION AND LIMITATION.—*

15                  *(A) EXCEPTION FOR PERSONS WHO ARE*  
 16                  *NOT LOW-INCOME INDIVIDUALS.—*

17                  *(i) DEFINITION.—In this subpara-*  
 18                  *graph, the term “covered individual” means*  
 19                  *an in-school youth, or an out-of-school*  
 20                  *youth who is described in subclause (III) or*  
 21                  *(VIII) of paragraph (1)(B)(iii).*

22                  *(ii) EXCEPTION.—In each local area,*  
 23                  *not more than 5 percent of the individuals*  
 24                  *assisted under this section may be persons*  
 25                  *who would be covered individuals, except*

1           *that the persons are not low-income individ-*  
2           *uals.*

3           *(B) LIMITATION.—In each local area, not*  
4           *more than 5 percent of the in-school youth as-*  
5           *sisted under this section may be eligible under*  
6           *paragraph (1) because the youth are in-school*  
7           *youth described in paragraph (1)(C)(iv)(VII).*

8           *(4) OUT-OF-SCHOOL PRIORITY.—*

9           *(A) IN GENERAL.—For any program year,*  
10          *not less than 75 percent of the funds available*  
11          *for statewide activities under subsection (b), and*  
12          *not less than 75 percent of funds available to*  
13          *local areas under subsection (c), shall be used to*  
14          *provide youth workforce investment activities for*  
15          *out-of-school youth.*

16          *(B) EXCEPTION.—A State that receives a*  
17          *minimum allotment under section 227(b)(1) in*  
18          *accordance with section 227(b)(1)(C)(iv) or*  
19          *under section 232(b)(1) in accordance with sec-*  
20          *tion 232(b)(1)(B)(v) may decrease the percentage*  
21          *described in subparagraph (A) for a local area*  
22          *in the State, if—*

23                 *(i) after an analysis of the in-school*  
24                 *youth and out-of-school youth populations*  
25                 *in the local area, the State determines that*

1           *the local area will be unable to use at least*  
 2           *75 percent of the funds available for activi-*  
 3           *ties under subsection (c) to serve out-of-*  
 4           *school youth due to a low number of out-of-*  
 5           *school youth; and*

6           *(ii)(I) the State submits to the Sec-*  
 7           *retary, for the local area, a request includ-*  
 8           *ing a proposed decreased percentage for*  
 9           *purposes of subparagraph (A), and a sum-*  
 10          *mary of the analysis described in clause (i);*  
 11          *and*

12          *(II) the request is approved by the Sec-*  
 13          *retary.*

14          (5) *CONSISTENCY WITH COMPULSORY SCHOOL*  
 15          *ATTENDANCE LAWS.—In providing assistance under*  
 16          *this section to an individual who is required to attend*  
 17          *school under applicable State compulsory school at-*  
 18          *tendance laws, the priority in providing such assist-*  
 19          *ance shall be for the individual to attend school regu-*  
 20          *larly.*

21          (b) *STATEWIDE ACTIVITIES.—*

22               (1) *IN GENERAL.—Funds reserved by a Governor*  
 23               *as described in sections 228(a) and 233(a)(1) shall be*  
 24               *used, regardless of whether the funds were allotted to*  
 25               *the State under section 227(b)(1)(C) or under para-*

1 *graph (1)(B) or (2)(B) of section 232(b) for statewide*  
2 *activities, which may include—*

3 *(A) conducting—*

4 *(i) evaluations under section 131(e) of*  
5 *activities authorized under this chapter and*  
6 *chapter 3 in coordination with evaluations*  
7 *carried out by the Secretary under section*  
8 *270(a);*

9 *(ii) research related to meeting the*  
10 *education and employment needs of youth;*  
11 *and*

12 *(iii) demonstration projects related to*  
13 *meeting the education and employment*  
14 *needs of youth;*

15 *(B) providing assistance to local areas as*  
16 *described in clauses (i) and (ii) of section*  
17 *116(c)(1)(B), for local coordination of activities*  
18 *carried out under this title;*

19 *(C) in order to build capacity, providing*  
20 *technical assistance to, as appropriate, local*  
21 *boards, chief elected officials, one-stop operators,*  
22 *one-stop partners, and eligible providers, in local*  
23 *areas, which provision of technical assistance*  
24 *shall include the development and training of*  
25 *staff, the development of exemplary program ac-*

1        *tivities, the provision of technical assistance to*  
2        *local areas that fail to meet local performance*  
3        *accountability measures described in section*  
4        *131(c), and the provision of technology to facili-*  
5        *tate remote access to services provided through*  
6        *the one-stop delivery system in the State;*

7                *(D) operating a fiscal and management ac-*  
8        *countability information system under section*  
9        *131(i);*

10               *(E) carrying out monitoring and oversight*  
11        *of activities carried out under this chapter and*  
12        *chapter 3, which may include a review com-*  
13        *paring the services provided to male and female*  
14        *youth;*

15               *(F) providing additional assistance to local*  
16        *areas that have high concentrations of eligible*  
17        *youth;*

18               *(G) supporting the development of alter-*  
19        *native programs and other activities that en-*  
20        *hance the choices available to eligible youth and*  
21        *encourage such youth to reenter and complete*  
22        *secondary education, enroll in postsecondary*  
23        *education and advanced training, progress*  
24        *through a career pathway, and enter employ-*  
25        *ment that leads to economic self-sufficiency;*

1           (H) supporting the provision of core serv-  
2           ices described in section 234(c)(2) in the one-stop  
3           delivery system in the State; and

4           (I) supporting financial literacy, includ-  
5           ing—

6               (i) supporting the ability of partici-  
7               pants to create household budgets, initiate  
8               savings plans, and make informed financial  
9               decisions about education, retirement, home  
10              ownership, wealth building, or other savings  
11              goals;

12              (ii) supporting the ability to manage  
13              spending, credit, and debt, including credit  
14              card debt, effectively;

15              (iii) increasing awareness of the avail-  
16              ability and significance of credit reports  
17              and credit scores in obtaining credit, in-  
18              cluding determining their accuracy (and  
19              how to correct inaccuracies in the reports  
20              and scores), and their effect on credit terms;

21              (iv) supporting the ability to under-  
22              stand, evaluate, and compare financial  
23              products, services, and opportunities; and

24              (v) supporting activities that address  
25              the particular financial literacy needs of

1                   *non-English speakers, including providing*  
 2                   *the support through the development and*  
 3                   *distribution of multilingual financial lit-*  
 4                   *eracy and education materials.*

5                   (2) *LIMITATION.*—*Not more than 5 percent of the*  
 6                   *funds allotted to a State under section 227(b)(1)(C)*  
 7                   *shall be used by the State for administrative activities*  
 8                   *carried out under this subsection or section 234(a).*

9                   (c) *LOCAL ELEMENTS AND REQUIREMENTS.*—

10                  (1) *PROGRAM DESIGN.*—*Funds allocated to a*  
 11                  *local area for eligible youth under section 228(b) shall*  
 12                  *be used to carry out, for eligible youth, programs*  
 13                  *that—*

14                       (A) *provide an objective assessment of the*  
 15                       *academic levels, skill levels, and service needs of*  
 16                       *each participant, which assessment shall include*  
 17                       *a review of basic skills, occupational skills, prior*  
 18                       *work experience, employability, interests, apti-*  
 19                       *tudes (including interests and aptitudes for non-*  
 20                       *traditional jobs), supportive service needs, and*  
 21                       *developmental needs of such participant, for the*  
 22                       *purpose of identifying appropriate services and*  
 23                       *career pathways for participants, except that a*  
 24                       *new assessment of a participant is not required*  
 25                       *if the provider carrying out such a program de-*

1 *termines it is appropriate to use a recent assess-*  
2 *ment of the participant conducted pursuant to*  
3 *another education or training program;*

4 *(B) develop service strategies for each par-*  
5 *ticipant that are directly linked to 1 or more of*  
6 *the indicators of performance described in sec-*  
7 *tion 131(b)(2)(A)(ii), and that shall identify ca-*  
8 *reer pathways that include education and em-*  
9 *ployment goals (including, in appropriate cir-*  
10 *cumstances, nontraditional employment), appro-*  
11 *priate achievement objectives, and appropriate*  
12 *services for the participant taking into account*  
13 *the assessment conducted pursuant to subpara-*  
14 *graph (A), except that a new service strategy for*  
15 *a participant is not required if the provider car-*  
16 *rying out such a program determines it is ap-*  
17 *propriate to use a recent service strategy devel-*  
18 *oped for the participant under another education*  
19 *or training program; and*

20 *(C) provide—*

21 *(i) activities leading to the attainment*  
22 *of a secondary school diploma or its recog-*  
23 *nized equivalent, or a recognized postsec-*  
24 *ondary credential;*



1                   (ii) preparation for postsecondary edu-  
2                   cational and training opportunities;

3                   (iii) strong linkages between academic  
4                   instruction (based on State academic con-  
5                   tent and student academic achievement  
6                   standards established under section 1111 of  
7                   the Elementary and Secondary Education  
8                   Act of 1965 (20 U.S.C. 6311)) and occupa-  
9                   tional education that lead to the attainment  
10                  of recognized postsecondary credentials;

11                  (iv) preparation for unsubsidized em-  
12                  ployment opportunities, in appropriate  
13                  cases; and

14                  (v) effective connections to employers,  
15                  including small employers, in in-demand  
16                  industry sectors and occupations of the local  
17                  and regional labor markets.

18                  (2) *PROGRAM ELEMENTS.*—In order to support  
19                  the attainment of a secondary school diploma or its  
20                  recognized equivalent, entry into postsecondary edu-  
21                  cation, and career readiness for participants, the pro-  
22                  grams described in paragraph (1) shall provide ele-  
23                  ments consisting of—

24                       (A) tutoring, study skills training, instruc-  
25                       tion, and dropout prevention strategies that lead

1        *to completion of the requirements for a secondary*  
 2        *school diploma or its recognized equivalent (in-*  
 3        *cluding a recognized certificate of attendance or*  
 4        *similar document for individuals with disabil-*  
 5        *ities) or for a recognized postsecondary creden-*  
 6        *tial;*

7                *(B) alternative secondary school services, as*  
 8        *appropriate;*

9                *(C) paid and unpaid work experiences that*  
 10        *have as a component academic and occupational*  
 11        *education, which may include—*

12                    *(i) summer employment opportunities*  
 13                    *and other employment opportunities avail-*  
 14                    *able throughout the school year;*

15                    *(ii) pre-apprenticeship programs;*

16                    *(iii) internships and job shadowing;*

17                    *and*

18                    *(iv) on-the-job training opportunities;*

19                *(D) occupational skill training, which may*  
 20        *include priority consideration for training pro-*  
 21        *grams that lead to recognized postsecondary cre-*  
 22        *dentials that are aligned with in-demand indus-*  
 23        *try sectors or occupations in the local area in-*  
 24        *volved, if the local board determines that the pro-*

1        *grams meet the quality criteria described in sec-*  
2        *tion 223;*

3                *(E) education offered concurrently with and*  
4        *in the same context as workforce preparation ac-*  
5        *tivities and training for a specific occupation or*  
6        *occupational cluster;*

7                *(F) leadership development opportunities,*  
8        *which may include community service and peer-*  
9        *centered activities encouraging responsibility*  
10       *and other positive social and civic behaviors, as*  
11       *appropriate;*

12               *(G) supportive services;*

13               *(H) adult mentoring for the period of par-*  
14       *ticipation and a subsequent period, for a total of*  
15       *not less than 12 months;*

16               *(I) followup services for not less than 12*  
17       *months after the completion of participation, as*  
18       *appropriate;*

19               *(J) comprehensive guidance and counseling,*  
20       *which may include drug and alcohol abuse coun-*  
21       *seling and referral, as appropriate;*

22               *(K) financial literacy education;*

23               *(L) entrepreneurial skills training;*

24               *(M) services that provide labor market and*  
25       *employment information about in-demand in-*

1        *dustry sectors or occupations available in the*  
 2        *local area, such as career awareness, career coun-*  
 3        *seling, and career exploration services; and*

4                *(N) activities that help youth prepare for*  
 5        *and transition to postsecondary education and*  
 6        *training.*

7        *(3) ADDITIONAL REQUIREMENTS.—*

8                *(A) INFORMATION AND REFERRALS.—Each*  
 9        *local board shall ensure that each participant*  
 10        *shall be provided—*

11                *(i) information on the full array of ap-*  
 12                *plicable or appropriate services that are*  
 13                *available through the local board or other el-*  
 14                *igible providers or one-stop partners, in-*  
 15                *cluding those providers or partners receiv-*  
 16                *ing funds under this subtitle; and*

17                *(ii) referral to appropriate training*  
 18                *and educational programs that have the ca-*  
 19                *capacity to serve the participant either on a*  
 20                *sequential or concurrent basis.*

21                *(B) APPLICANTS NOT MEETING ENROLL-*  
 22        *MENT REQUIREMENTS.—Each eligible provider of*  
 23        *a program of youth workforce investment activi-*  
 24        *ties shall ensure that an eligible applicant who*  
 25        *does not meet the enrollment requirements of the*

1        *particular program or who cannot be served*  
 2        *shall be referred for further assessment, as nec-*  
 3        *essary, and referred to appropriate programs in*  
 4        *accordance with subparagraph (A) to meet the*  
 5        *basic skills and training needs of the applicant.*

6                (C) *INVOLVEMENT IN DESIGN AND IMPLE-*  
 7        *MENTATION.—The local board shall ensure that*  
 8        *parents, participants, and other members of the*  
 9        *community with experience relating to programs*  
 10        *for youth are involved in the design and imple-*  
 11        *mentation of the programs described in para-*  
 12        *graph (1).*

13              (4) *PRIORITY.—Not less than 20 percent of the*  
 14        *funds allocated to the local area as described in para-*  
 15        *graph (1) shall be used to provide in-school youth and*  
 16        *out-of-school youth with activities under paragraph*  
 17        *(2)(C).*

18              (5) *RULE OF CONSTRUCTION.—Nothing in this*  
 19        *chapter shall be construed to require that each of the*  
 20        *elements described in subparagraphs of paragraph (2)*  
 21        *be offered by each provider of youth services.*

22              (6) *PROHIBITIONS.—*

23                      (A) *PROHIBITION AGAINST FEDERAL CON-*  
 24        *TROL OF EDUCATION.—No provision of this Act*  
 25        *shall be construed to authorize any department,*

1       agency, officer, or employee of the United States  
2       to exercise any direction, supervision, or control  
3       over the curriculum, program of instruction, ad-  
4       ministration, or personnel of any educational in-  
5       stitution, school, or school system, or over the se-  
6       lection of library resources, textbooks, or other  
7       printed or published instructional materials by  
8       any educational institution, school, or school sys-  
9       tem.

10               (B) *NONINTERFERENCE AND NONREPLACE-*  
11               *MENT OF REGULAR ACADEMIC REQUIREMENTS.—*

12       *No funds described in paragraph (1) shall be*  
13       *used to provide an activity for eligible youth who*  
14       *are not school dropouts if participation in the*  
15       *activity would interfere with or replace the reg-*  
16       *ular academic requirements of the youth.*

17               (7) *LINKAGES.—In coordinating the programs*  
18       *authorized under this section, local boards shall estab-*  
19       *lish linkages with local educational agencies respon-*  
20       *sible for services to participants as appropriate.*

21               (8) *VOLUNTEERS.—The local board shall make*  
22       *opportunities available for individuals who have suc-*  
23       *cessfully participated in programs carried out under*  
24       *this section to volunteer assistance to participants in*  
25       *the form of mentoring, tutoring, and other activities.*

1 **CHAPTER 3—ADULT AND DISLOCATED**  
 2 **WORKER EMPLOYMENT AND TRAINING**  
 3 **ACTIVITIES**

4 **SEC. 231. GENERAL AUTHORIZATION.**

5       *The Secretary shall make allotments under paragraphs*  
 6 *(1)(B) and (2)(B) of section 232(b) to each State that meets*  
 7 *the requirements of section 112 or 113 and grants under*  
 8 *paragraphs (1)(A) and (2)(A) of section 232(b) to each out-*  
 9 *lying area that complies with the requirements of this title,*  
 10 *to assist the State or outlying area, and to enable the State*  
 11 *or outlying area to assist local areas, for the purpose of*  
 12 *providing workforce investment activities for adults, and*  
 13 *dislocated workers, in the State or outlying area and in*  
 14 *the local areas.*

15 **SEC. 232. STATE ALLOTMENTS.**

16       *(a) IN GENERAL.—The Secretary shall—*

17               *(1) make allotments and grants from the amount*  
 18               *appropriated under section 236(b) for a fiscal year in*  
 19               *accordance with subsection (b)(1); and*

20               *(2)(A) reserve 20 percent of the amount appro-*  
 21               *priated under section 236(c) for the fiscal year for use*  
 22               *under subsection (b)(2)(A), and under sections 269(b)*  
 23               *(relating to dislocated worker technical assistance),*  
 24               *270(c) (relating to dislocated worker projects), and*

1       271 (relating to national dislocated worker grants);  
 2       and

3               (B) make allotments from 80 percent of the  
 4       amount appropriated under section 236(c) for the fis-  
 5       cal year in accordance with subsection (b)(2)(B).

6       (b) ALLOTMENT AMONG STATES.—

7               (1) ADULT EMPLOYMENT AND TRAINING ACTIVI-  
 8       TIES.—

9               (A) RESERVATION FOR OUTLYING AREAS.—

10               (i) IN GENERAL.—From the amount  
 11       made available under subsection (a)(1) for a  
 12       fiscal year, the Secretary shall reserve not  
 13       more than  $\frac{1}{4}$  of 1 percent of such amount  
 14       to provide assistance to the outlying areas.

15               (ii) APPLICABILITY OF ADDITIONAL RE-  
 16       QUIREMENTS.—From the amount reserved  
 17       under clause (i), the Secretary shall provide  
 18       assistance to the outlying areas for adult  
 19       employment and training activities and  
 20       statewide workforce investment activities in  
 21       accordance with the requirements of section  
 22       227(b)(1)(B).

23       (B) STATES.—

24               (i) IN GENERAL.—After determining  
 25       the amount to be reserved under subpara-



1 *graph (A), the Secretary shall allot the*  
2 *amount made available under subsection*  
3 *(a)(1) for that fiscal year to the States pur-*  
4 *suant to clause (ii) for adult employment*  
5 *and training activities and statewide work-*  
6 *force investment activities.*

7 *(ii) FORMULA.—Subject to clauses*  
8 *(iii), (iv), and (v), of the remainder, the*  
9 *Secretary shall allot—*

10 *(I) 40 percent on the basis of the*  
11 *relative number of unemployed indi-*  
12 *viduals in areas of substantial unem-*  
13 *ployment in each State, compared to*  
14 *the total number of unemployed indi-*  
15 *viduals in areas of substantial unem-*  
16 *ployment in all States;*

17 *(II) 25 percent on the basis of the*  
18 *relative number of individuals in the*  
19 *civilian labor force in each State, com-*  
20 *pared to the total number of such indi-*  
21 *viduals in all States; and*

22 *(III) 35 percent on the basis of the*  
23 *relative number of disadvantaged*  
24 *adults in each State, compared to the*  
25 *total number of disadvantaged adults*

1                   *in all States, except as described in*  
 2                   *clause (iii).*

3                   (iii) *CALCULATION.—In determining*  
 4                   *an allotment under clause (ii)(III) for any*  
 5                   *State in which there is a local area whose*  
 6                   *governing body is the governing body of a*  
 7                   *concentrated employment program described*  
 8                   *in section 117(c)(1)(C), the allotment shall*  
 9                   *be calculated by counting, for that local*  
 10                   *area, the higher of—*

11                    (I) *the number of adults in fami-*  
 12                    *lies with an income below 150 percent*  
 13                    *of the poverty line in such area; or*

14                    (II) *the number of disadvantaged*  
 15                    *adults in such area.*

16                   (iv) *MINIMUM AND MAXIMUM PERCENT-*  
 17                    *AGES AND MINIMUM ALLOTMENTS.—In*  
 18                    *making allotments under this subpara-*  
 19                    *graph, the Secretary shall ensure the fol-*  
 20                    *lowing:*

21                    (I) *MINIMUM PERCENTAGE AND*  
 22                    *ALLOTMENT.—The Secretary shall en-*  
 23                    *sure that no State shall receive an al-*  
 24                    *lotment for a fiscal year that is less*  
 25                    *than an amount based on 90 percent of*

1           *the allotment percentage of the State*  
 2           *for the preceding fiscal year.*

3           (II) *MAXIMUM PERCENTAGE.—*

4           *Subject to subclause (I), the Secretary*  
 5           *shall ensure that no State shall receive*  
 6           *an allotment percentage for a fiscal*  
 7           *year that is more than 130 percent of*  
 8           *the allotment percentage of the State*  
 9           *for the preceding fiscal year.*

10          (v) *SMALL STATE MINIMUM ALLOT-*  
 11          *MENT.—Subject to clause (iii), the Sec-*  
 12          *retary shall ensure that no State shall re-*  
 13          *ceive an allotment under this subparagraph*  
 14          *that is less than the total of—*

15                (I)    $\frac{3}{10}$    *of 1 percent of*  
 16                *\$960,000,000, from the remainder de-*  
 17                *scribed in clause (i) for the fiscal year;*  
 18                *and*

19                (II) *if the remainder described in*  
 20                *clause (i) for the fiscal year exceeds*  
 21                *\$960,000,000,  $\frac{2}{5}$  of 1 percent of the ex-*  
 22                *cess.*

23          (C) *DEFINITIONS.—In this paragraph:*

1           (i) *ADULT*.—The term “adult” means  
2           an individual who is not less than age 22  
3           and not more than age 72.

4           (ii) *ALLOTMENT PERCENTAGE*.—The  
5           term “allotment percentage”, used with re-  
6           spect to fiscal year 2014 or a subsequent fis-  
7           cal year, means a percentage of the remain-  
8           der described in subparagraph (B)(i) that is  
9           received by the State involved through an  
10          allotment made under this paragraph for  
11          the fiscal year. The term, used with respect  
12          to fiscal year 2013, means the percentage of  
13          the amount allotted to States under section  
14          132(b)(1)(B) of the Workforce Investment  
15          Act of 1998 (as in effect on the day before  
16          the date of enactment of this Act) that is re-  
17          ceived by the State involved for fiscal year  
18          2013.

19          (iii) *AREA OF SUBSTANTIAL UNEM-*  
20          *PLOYMENT*.—The term “area of substantial  
21          unemployment” means any area that is of  
22          sufficient size and scope to sustain a pro-  
23          gram of workforce investment activities car-  
24          ried out under this subtitle and that has an  
25          average rate of unemployment of at least

1           6.5 percent for the most recent 12 months,  
 2           as determined by the Secretary. For pur-  
 3           poses of this clause, determinations of areas  
 4           of substantial unemployment shall be made  
 5           once each fiscal year.

6           (iv) *DISADVANTAGED ADULT*.—Subject  
 7           to subparagraph (D), the term “disadvan-  
 8           taged adult” means an adult who received  
 9           an income, or is a member of a family that  
 10          received a total family income, that, in re-  
 11          lation to family size, does not exceed 150  
 12          percent of the poverty line.

13          (D) *DISADVANTAGED ADULT SPECIAL*  
 14          *RULE*.—For purposes of the formula specified in  
 15          clauses (ii) and (iii) of subparagraph (B), the  
 16          Secretary shall, as appropriate and to the extent  
 17          practicable, exclude college students and members  
 18          of the Armed Forces from the determination of  
 19          the number of disadvantaged adults.

20          (2) *DISLOCATED WORKER EMPLOYMENT AND*  
 21          *TRAINING*.—

22          (A) *RESERVATION FOR OUTLYING AREAS*.—

23               (i) *IN GENERAL*.—From the amount  
 24               made available under subsection (a)(2)(A)  
 25               for a fiscal year, the Secretary shall reserve

1           *not more than  $\frac{1}{4}$  of 1 percent of the amount*  
 2           *appropriated under section 236(c) for the*  
 3           *fiscal year to provide assistance to the out-*  
 4           *lying areas.*

5           *(ii) APPLICABILITY OF ADDITIONAL RE-*  
 6           *QUIREMENTS.—From the amount reserved*  
 7           *under clause (i), the Secretary shall provide*  
 8           *assistance to the outlying areas for dis-*  
 9           *located worker employment and training*  
 10           *activities and statewide workforce invest-*  
 11           *ment activities in accordance with the re-*  
 12           *quirements of section 227(b)(1)(B).*

13           *(B) STATES.—*

14           *(i) IN GENERAL.—The Secretary shall*  
 15           *allot the amount made available under sub-*  
 16           *section (a)(2)(B) for that fiscal year to the*  
 17           *States pursuant to clause (ii) for dislocated*  
 18           *worker employment and training activities*  
 19           *and statewide workforce investment activi-*  
 20           *ties.*

21           *(ii) FORMULA.—Subject to clause (iii),*  
 22           *of such amount, the Secretary shall allot—*

23                   *(I)  $33\frac{1}{3}$  percent on the basis of*  
 24                   *the relative number of unemployed in-*  
 25                   *dividuals in each State, compared to*

1            *the total number of unemployed indi-*  
 2            *viduals in all States;*

3            *(II) 33<sup>1</sup>/<sub>3</sub> percent on the basis of*  
 4            *the relative excess number of unem-*  
 5            *ployed individuals in each State, com-*  
 6            *pared to the total excess number of un-*  
 7            *employed individuals in all States;*  
 8            *and*

9            *(III) 33<sup>1</sup>/<sub>3</sub> percent on the basis of*  
 10           *the relative number of individuals in*  
 11           *each State who have been unemployed*  
 12           *for 15 weeks or more, compared to the*  
 13           *total number of individuals in all*  
 14           *States who have been unemployed for*  
 15           *15 weeks or more.*

16           *(iii) MINIMUM AND MAXIMUM PER-*  
 17           *CENTAGES AND MINIMUM ALLOTMENTS.—In*  
 18           *making allotments under this subpara-*  
 19           *graph, the Secretary shall ensure the fol-*  
 20           *lowing:*

21           *(I) MINIMUM PERCENTAGE AND*  
 22           *ALLOTMENT.—The Secretary shall en-*  
 23           *sure that no State shall receive an al-*  
 24           *lotment for a fiscal year that is less*  
 25           *than an amount based on 90 percent of*

1                    *the allotment percentage of the State*  
 2                    *for the preceding fiscal year.*

3                    (II) *MAXIMUM PERCENTAGE.—*

4                    *Subject to subclause (I), the Secretary*  
 5                    *shall ensure that no State shall receive*  
 6                    *an allotment percentage for a fiscal*  
 7                    *year that is more than 130 percent of*  
 8                    *the allotment percentage of the State*  
 9                    *for the preceding fiscal year.*

10                  (C) *DEFINITIONS.—In this paragraph:*

11                  (i) *EXCESS NUMBER.—The term “ex-*  
 12                  *cess number” means, used with respect to*  
 13                  *the excess number of unemployed individ-*  
 14                  *uals within a State, the number that rep-*  
 15                  *resents the number of unemployed individ-*  
 16                  *uals in excess of 4.5 percent of the civilian*  
 17                  *labor force in the State.*

18                  (ii) *ALLOTMENT PERCENTAGE.—The*  
 19                  *term “allotment percentage”, used with re-*  
 20                  *spect to fiscal year 2014 or a subsequent fis-*  
 21                  *cal year, means a percentage of the amount*  
 22                  *described in subparagraph (B)(i) that is re-*  
 23                  *ceived by the State involved through an al-*  
 24                  *lotment made under this paragraph for the*  
 25                  *fiscal year. The term, used with respect to*



1           *fiscal year 2013, means the percentage of*  
 2           *the amount allotted to States under section*  
 3           *132(b)(2)(B) of the Workforce Investment*  
 4           *Act of 1998 (as in effect on the day before*  
 5           *the date of enactment of this Act) that is re-*  
 6           *ceived by the State involved for fiscal year*  
 7           *2013.*

8           *(c) REALLOTMENT.—*

9           *(1) IN GENERAL.—The Secretary shall, in ac-*  
 10          *cordance with this subsection, reallocate to eligible States*  
 11          *amounts that are made available to States from allot-*  
 12          *ments made under this section or a corresponding*  
 13          *provision of the Workforce Investment Act of 1998 for*  
 14          *employment and training activities and statewide*  
 15          *workforce investment activities (referred to individ-*  
 16          *ually in this subsection as a “State allotment”) and*  
 17          *that are available for reallocation.*

18          *(2) AMOUNT.—The amount available for reallo-*  
 19          *tment for a program year for programs funded under*  
 20          *subsection (b)(1)(B) (relating to adult employment*  
 21          *and training) or for programs funded under sub-*  
 22          *section (b)(2)(B) (relating to dislocated worker em-*  
 23          *ployment and training) is equal to the amount by*  
 24          *which the unobligated balance from State allotments*  
 25          *to the State for adult employment and training ac-*

1        *tivities or dislocated worker employment and training*  
 2        *activities, respectively, at the end of the program year*  
 3        *prior to the program year for which the determina-*  
 4        *tion is made, exceeds 10 percent of the total amount*  
 5        *of funds available to the State for that prior program*  
 6        *year, consisting of the State allotment to the State for*  
 7        *such prior program year (and amounts from State al-*  
 8        *lotments to the State, for all program years before*  
 9        *that prior program year, for adult employment and*  
 10       *training activities or dislocated worker employment*  
 11       *and training activities, respectively, that remained*  
 12       *available).*

13            (3) *REALLOTMENT.*—*In making reallotments to*  
 14        *eligible States of amounts available pursuant to para-*  
 15        *graph (2) for a program year, the Secretary shall*  
 16        *allot to each eligible State an amount based on the*  
 17        *relative amount of the State allotment under para-*  
 18        *graph (1)(B) or (2)(B), respectively, of subsection (b)*  
 19        *for the program year for which the determination is*  
 20        *made, as compared to the total amount of the State*  
 21        *allotments under paragraph (1)(B) or (2)(B), respec-*  
 22        *tively, of subsection (b) for such program year.*

23            (4) *ELIGIBILITY.*—*For purposes of this sub-*  
 24        *section, an eligible State means—*

1           (A) with respect to funds allotted through a  
2           State allotment for adult employment and train-  
3           ing activities, a State that does not have an  
4           amount of such funds available for reallocation  
5           under paragraph (2) for the program year for  
6           which the determination under paragraph (2) is  
7           made; and

8           (B) with respect to funds allotted through a  
9           State allotment for dislocated worker employ-  
10          ment and training activities, a State that does  
11          not have an amount of such funds available for  
12          reallocation under paragraph (2) for the program  
13          year for which the determination under para-  
14          graph (2) is made.

15          (5) *PROCEDURES.*—The Governor shall prescribe  
16          uniform procedures for the obligation of funds by  
17          local areas within the State in order to avoid the re-  
18          quirement that funds be made available for reallo-  
19          tment under this subsection. The Governor shall fur-  
20          ther prescribe equitable procedures for making funds  
21          available from the State and local areas in the event  
22          that a State is required to make funds available for  
23          reallocation under this subsection.

24   **SEC. 233. WITHIN STATE ALLOCATIONS.**

25          (a) *RESERVATIONS FOR STATE ACTIVITIES.*—

1           (1) *STATEWIDE WORKFORCE INVESTMENT AC-*  
 2           *TIVITIES.—The Governor shall make the reservation*  
 3           *required under section 228(a).*

4           (2) *STATEWIDE RAPID RESPONSE ACTIVITIES.—*  
 5           *The Governor shall reserve not more than 25 percent*  
 6           *of the total amount allotted to the State under section*  
 7           *232(b)(2)(B) for a fiscal year for statewide rapid re-*  
 8           *sponse activities described in section 234(a)(2)(A).*

9           (b) *WITHIN STATE ALLOCATION.—*

10           (1) *METHODS.—The Governor, acting in accord-*  
 11           *ance with the State plan, and after consulting with*  
 12           *chief elected officials and local boards in the local*  
 13           *areas, shall allocate—*

14                   (A) *the funds that are allotted to the State*  
 15                   *for adult employment and training activities*  
 16                   *and statewide workforce investment activities*  
 17                   *under section 232(b)(1)(B) and are not reserved*  
 18                   *under subsection (a)(1), in accordance with*  
 19                   *paragraph (2) or (3); and*

20                   (B) *the funds that are allotted to the State*  
 21                   *for dislocated worker employment and training*  
 22                   *activities and statewide workforce investment ac-*  
 23                   *tivities under section 232(b)(2)(B) and are not*  
 24                   *reserved under paragraph (1) or (2) of subsection*  
 25                   *(a), in accordance with paragraph (2).*

1           (2) *FORMULA ALLOCATIONS.*—

2                   (A) *ADULT EMPLOYMENT AND TRAINING AC-*  
3           *TIVITIES.*—

4                   (i) *ALLOCATION.*—*In allocating the*  
5                   *funds described in paragraph (1)(A) to local*  
6                   *areas, a State may allocate—*

7                           (I) *40 percent of the funds on the*  
8                           *basis described in section*  
9                           *232(b)(1)(B)(ii)(I);*

10                           (II) *25 percent of the funds on the*  
11                           *basis described in section*  
12                           *232(b)(1)(B)(ii)(II); and*

13                           (III) *35 percent of the funds on*  
14                           *the basis described in clauses (ii)(III)*  
15                           *and (iii) of section 232(b)(1)(B).*

16                   (ii) *MINIMUM PERCENTAGE.*—*Effective*  
17                   *at the end of the second full fiscal year after*  
18                   *the date on which a local area is designated*  
19                   *under section 116, the local area shall not*  
20                   *receive an allocation percentage for a fiscal*  
21                   *year that is less than 90 percent of the aver-*  
22                   *age allocation percentage of the local area*  
23                   *for the 2 preceding fiscal years. Amounts*  
24                   *necessary for increasing such allocations to*  
25                   *local areas to comply with the preceding*

1 sentence shall be obtained by ratably reduc-  
2 ing the allocations to be made to other local  
3 areas under this subparagraph.

4 (iii) *DEFINITION.*—In this subpara-  
5 graph, the term “allocation percentage”—

6 (I) *used with respect to fiscal year*  
7 *2012 or 2013, means a percentage of*  
8 *the amount allocated to local areas*  
9 *under paragraphs (2)(A) and (3) of*  
10 *section 133(b) of the Workforce Invest-*  
11 *ment Act of 1998 (as in effect on the*  
12 *day before the date of enactment of this*  
13 *Act) that is received by the local area*  
14 *involved for fiscal year 2012 or 2013,*  
15 *respectively; and*

16 (II) *used with respect to fiscal*  
17 *year 2014 or a subsequent fiscal year,*  
18 *means a percentage of the funds re-*  
19 *ferred to in clause (i) that is received*  
20 *by the local area involved through an*  
21 *allocation made under this subpara-*  
22 *graph for the fiscal year.*

23 (B) *DISLOCATED WORKER EMPLOYMENT*  
24 *AND TRAINING ACTIVITIES.*—

1           (i) *FORMULA.*—*In allocating the funds*  
2           *described in paragraph (1)(B) to local*  
3           *areas, a State shall allocate the funds based*  
4           *on an allocation formula prescribed by the*  
5           *Governor of the State. Such formula may be*  
6           *amended by the Governor not more than*  
7           *once for each program year. Such formula*  
8           *shall utilize the most appropriate informa-*  
9           *tion available to the Governor to distribute*  
10          *amounts to address the State's worker read-*  
11          *justment assistance needs.*

12          (ii) *INFORMATION.*—*The information*  
13          *described in clause (i) shall include insured*  
14          *unemployment data, unemployment con-*  
15          *centrations, plant closing and mass layoff*  
16          *data, declining industries data, farmer-*  
17          *rancher economic hardship data, and long-*  
18          *term unemployment data.*

19          (iii) *MINIMUM PERCENTAGE.*—*Effec-*  
20          *tive at the end of the second full fiscal year*  
21          *after the date on which a local area is des-*  
22          *ignated under section 116, the local area*  
23          *shall not receive an allocation percentage*  
24          *for a fiscal year that is less than 90 percent*  
25          *of the average allocation percentage of the*

1           local area for the 2 preceding fiscal years.  
 2           Amounts necessary for increasing such allo-  
 3           cations to local areas to comply with the  
 4           preceding sentence shall be obtained by rat-  
 5           ably reducing the allocations to be made to  
 6           other local areas under this subparagraph.

7           (iv) *DEFINITION.*—In this subpara-  
 8           graph, the term “allocation percentage”—

9                   (I) used with respect to fiscal year  
 10                   2012 or 2013, means a percentage of  
 11                   the amount allocated to local areas  
 12                   under section 133(b)(2)(B) of the  
 13                   Workforce Investment Act of 1998 (as  
 14                   in effect on the day before the date of  
 15                   enactment of this Act) that is received  
 16                   by the local area involved for fiscal  
 17                   year 2012 or 2013, respectively; and

18                   (II) used with respect to fiscal  
 19                   year 2014 or a subsequent fiscal year,  
 20                   means a percentage of the funds re-  
 21                   ferred to in clause (i), received through  
 22                   an allocation made under this sub-  
 23                   paragraph, for the fiscal year.

24           (C) *APPLICATION.*—For purposes of car-  
 25           rying out subparagraph (A)—



1                   (i) references in clauses (ii) and (iii) of  
 2                   section 232(b)(1)(B) to a State shall be  
 3                   deemed to be references to a local area; and  
 4                   (ii) references in clauses (ii) and (iii)  
 5                   of section 232(b)(1)(B) to all States shall be  
 6                   deemed to be references to all local areas in  
 7                   the State involved.

8                   (3) *ADULT EMPLOYMENT AND TRAINING DISCRE-*  
 9                   *TIONARY ALLOCATIONS.*—*In lieu of making the alloca-*  
 10                  *tion described in paragraph (2)(A), in allocating the*  
 11                  *funds described in paragraph (1)(A) to local areas, a*  
 12                  *State may distribute—*

13                  (A) *a portion equal to not less than 70 per-*  
 14                  *cent of the funds in accordance with paragraph*  
 15                  *(2)(A); and*

16                  (B) *the remaining portion of the funds on*  
 17                  *the basis of a formula that—*

18                       (i) *incorporates additional factors*  
 19                       *(other than the factors described in para-*  
 20                       *graph (2)(A)) relating to—*

21                               (I) *excess poverty in urban, rural,*  
 22                               *and suburban local areas; and*

23                               (II) *excess unemployment above*  
 24                               *the State average in urban, rural, and*  
 25                               *suburban local areas; and*

1                   (ii) was developed by the State board  
2                   and approved by the Secretary as part of  
3                   the State plan.

4                   (4) *TRANSFER AUTHORITY.*—A local board may  
5                   transfer, if such a transfer is approved by the Gov-  
6                   ernor, up to and including 100 percent of the funds  
7                   allocated to the local area under paragraph (2)(A) or  
8                   (3), and up to and including 100 percent of the funds  
9                   allocated to the local area under paragraph (2)(B),  
10                  for a fiscal year between—

11                   (A) adult employment and training activi-  
12                   ties; and

13                   (B) dislocated worker employment and  
14                   training activities.

15                   (5) *ALLOCATION.*—

16                   (A) *IN GENERAL.*—The Governor shall allo-  
17                   cate the funds described in paragraph (1) to  
18                   local areas under paragraphs (2) and (3) for the  
19                   purpose of providing a single system of employ-  
20                   ment and training activities for adults and dis-  
21                   located workers in accordance with subsections  
22                   (c) and (d) of section 234.

23                   (B) *ADDITIONAL REQUIREMENTS.*—

24                   (i) *ADULTS.*—Funds allocated under  
25                   paragraph (2)(A) or (3) shall be used by a

1           local area to contribute to the costs of the  
 2           one-stop delivery system described in section  
 3           221(e) as determined under subsections (h)  
 4           and (i) of section 221 and to pay for em-  
 5           ployment and training activities provided  
 6           to adults in the local area, consistent with  
 7           section 234.

8           (ii) *DISLOCATED WORKERS.*—Funds  
 9           allocated under paragraph (2)(B) shall be  
 10          used by a local area to contribute to the  
 11          costs of the one-stop delivery system de-  
 12          scribed in section 221(e) as determined  
 13          under subsections (h) and (i) of section 221  
 14          and to pay for employment and training  
 15          activities provided to dislocated workers in  
 16          the local area, consistent with section 234.

17       (c) *REALLOCATION AMONG LOCAL AREAS.*—

18           (1) *IN GENERAL.*—The Governor may, in accord-  
 19          ance with this subsection, reallocate to eligible local  
 20          areas within the State amounts that are made avail-  
 21          able to local areas from allocations made under para-  
 22          graph (2)(A) or (3) of subsection (b) or a cor-  
 23          responding provision of the Workforce Investment Act  
 24          of 1998 for adult employment and training activities,  
 25          or under subsection (b)(2)(B) or a corresponding pro-

1 *vision of the Workforce Investment Act of 1998 for*  
2 *dislocated worker employment and training activities*  
3 *(referred to individually in this subsection as a “local*  
4 *allocation”)* and that are available for reallocation.

5 (2) *AMOUNT.—*

6 (A) *IN GENERAL.—The amount available*  
7 *for reallocation for a program year for programs*  
8 *funded under paragraphs (2)(A) and (3) of sub-*  
9 *section (b) (relating to adult employment and*  
10 *training) or for programs funded under sub-*  
11 *section (b)(2)(B) (relating to dislocated worker*  
12 *employment and training) is equal to the*  
13 *amount by which the balance that is unobligated*  
14 *and unencumbered for training services at the*  
15 *end of the program year prior to the program*  
16 *year for which the determination is made, ex-*  
17 *ceeds 10 percent of the total amount of funds*  
18 *available to the local area for that prior program*  
19 *year, consisting of the local allocation to the*  
20 *local area for such prior program year (and*  
21 *amounts from local allocations to the local area,*  
22 *for all program years before that prior program*  
23 *year, for adult employment and training activi-*  
24 *ties or dislocated worker employment and train-*

1        *ing services, respectively, that remained avail-*  
2        *able).*

3                *(B) BALANCE OF FUNDS.—For purposes of*  
4        *this paragraph, the balance that is unobligated*  
5        *and unencumbered for training services is the*  
6        *amount that is the difference between—*

7                *(i) the total amount of funds available*  
8        *to the local area under paragraphs (2)(A)*  
9        *and (3) of subsection (b), or subsection*  
10       *(b)(2)(B), respectively, for that prior pro-*  
11       *gram year, consisting of the local allocation*  
12       *to the local area for such prior program*  
13       *year (and amounts from local allocations to*  
14       *the local area, for all program years before*  
15       *that prior program year, for adult employ-*  
16       *ment and training activities or dislocated*  
17       *worker employment and training activities,*  
18       *respectively, that remained available); and*

19               *(ii) the amount, from that total*  
20       *amount of available funds, that is obligated*  
21       *or encumbered (in accordance with gen-*  
22       *erally accepted accounting principles) for*  
23       *training services for adults or dislocated*  
24       *workers, respectively, during such prior pro-*  
25       *gram year, except that for purposes of this*

1 paragraph the amount included as encum-  
2 bered for training services shall not exceed  
3 10 percent of the total amount of available  
4 funds described in subparagraph (A) for  
5 adult employment and training activities or  
6 dislocated worker employment and training  
7 activities, respectively.

8 (3) *REALLOCATION.*—In making reallocations to  
9 eligible local areas of amounts available pursuant to  
10 paragraph (2) for a program year, the Governor shall  
11 allocate to each eligible local area within the State—

12 (A) with respect to such available amounts  
13 that were allocated under paragraph (2)(A) or  
14 (3) of subsection (b), an amount based on the rel-  
15 ative amount of the local allocation under para-  
16 graph (2)(A) or (3) of subsection (b), as appro-  
17 priate, for the program year for which the deter-  
18 mination is made, as compared to the total  
19 amount of the local allocations under paragraph  
20 (2)(A) or (3) of subsection (b), as appropriate,  
21 for such program year; and

22 (B) with respect to such available amounts  
23 that were allocated under subsection (b)(2)(B),  
24 an amount based on the relative amount of the  
25 local allocation under subsection (b)(2)(B) for

1        *the program year for which the determination is*  
 2        *made, as compared to the total amount of the*  
 3        *local allocations under subsection (b)(2)(B) for*  
 4        *such program year.*

5        (4) *ELIGIBILITY.*—*For purposes of this sub-*  
 6        *section, an eligible local area means—*

7                (A) *with respect to funds allocated through*  
 8                *a local allocation for adult employment and*  
 9                *training activities, a local area that does not*  
 10               *have an amount of such funds available for re-*  
 11               *allocation under paragraph (2) for the program*  
 12               *year for which the determination under para-*  
 13               *graph (2) is made; and*

14               (B) *with respect to funds allocated through*  
 15               *a local allocation for dislocated worker employ-*  
 16               *ment and training activities, a local area that*  
 17               *does not have an amount of such funds available*  
 18               *for reallocation under paragraph (2) for the pro-*  
 19               *gram year for which the determination under*  
 20               *paragraph (2) is made.*

21        **SEC. 234. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**  
 22                **ACTIVITIES.**

23               (a) *STATEWIDE EMPLOYMENT AND TRAINING ACTIVI-*  
 24        *TIES.*—

1           (1) *IN GENERAL.*—*Funds reserved by a Gov-*  
 2       *ernor—*

3                   (A) *as described in section 233(a)(2) shall*  
 4       *be used to carry out the statewide rapid response*  
 5       *activities described in paragraph (2)(A); and*

6                   (B) *as described in sections 228(a) and*  
 7       *233(a)(1)—*

8                   (i) *shall be used to carry out the state-*  
 9       *wide employment and training activities*  
 10       *described in paragraph (2)(B); and*

11                   (ii) *may be used to carry out any of*  
 12       *the statewide employment and training ac-*  
 13       *tivities described in paragraph (3),*  
 14       *regardless of whether the funds were allotted to*  
 15       *the State under section 227(b)(1) or under para-*  
 16       *graph (1) or (2) of section 232(b).*

17           (2) *REQUIRED STATEWIDE EMPLOYMENT AND*  
 18       *TRAINING ACTIVITIES.—*

19                   (A) *STATEWIDE RAPID RESPONSE ACTIVI-*  
 20       *TIES.—*

21                   (i) *IN GENERAL.*—*A State shall carry*  
 22       *out statewide rapid response activities using*  
 23       *funds reserved by the Governor for the State*  
 24       *under section 233(a)(2), which activities*  
 25       *shall include—*



1                   (I) provision of rapid response ac-  
2                   tivities, carried out in local areas by  
3                   the State or by an entity designated by  
4                   the State, working in conjunction with  
5                   the local boards and the chief elected  
6                   officials for the local areas; and

7                   (II) provision of additional assist-  
8                   ance to local areas that experience dis-  
9                   asters, mass layoffs, or plant closings,  
10                  or other events that precipitate sub-  
11                  stantial increases in the number of un-  
12                  employed individuals, carried out in  
13                  local areas by the State, working in  
14                  conjunction with the local boards and  
15                  the chief elected officials for the local  
16                  areas.

17                  (ii) *USE OF UNOBLIGATED FUNDS.*—  
18                  Funds reserved by a Governor under section  
19                  233(a)(2), and section 133(a)(2) of the  
20                  Workforce Investment Act of 1998 (as in ef-  
21                  fect on the day before the date of enactment  
22                  of this Act), to carry out this subparagraph  
23                  that remain unobligated after the first pro-  
24                  gram year for which such funds were allot-  
25                  ted may be used by the Governor to carry

1           *out statewide activities authorized under*  
 2           *subparagraph (B) or paragraph (3)(A), in*  
 3           *addition to activities under this subpara-*  
 4           *graph.*

5           *(B) STATEWIDE EMPLOYMENT AND TRAIN-*  
 6           *ING ACTIVITIES.—Funds reserved by a Governor*  
 7           *under sections 228(a)(1) and 233(a)(1) and not*  
 8           *used under paragraph (1)(A) (regardless of*  
 9           *whether the funds were allotted to the States*  
 10           *under section 227(b)(1)(C) or paragraph (1)(B)*  
 11           *or (2)(B) of section 232(b)) shall be used for*  
 12           *statewide employment and training activities,*  
 13           *including—*

14                   *(i) building capacity by providing as-*  
 15                   *sistance to—*

16                           *(I) State entities and agencies,*  
 17                           *local areas, and one-stop partners in*  
 18                           *carrying out the activities described in*  
 19                           *the State plan, including the coordina-*  
 20                           *tion and alignment of data systems*  
 21                           *used to carry out the requirements of*  
 22                           *this Act;*

23                           *(II) local areas for carrying out*  
 24                           *the regional planning and service de-*

1            *livery activities required under section*  
2            *116(c); and*

3                    *(III) local areas, one-stop opera-*  
4                    *tors, one-stop partners, and eligible*  
5                    *providers, including the development*  
6                    *and training of staff, which may in-*  
7                    *clude the development and training of*  
8                    *staff to provide opportunities for indi-*  
9                    *viduals with barriers to employment to*  
10                   *enter in-demand industry sectors or oc-*  
11                   *cupations and nontraditional occupa-*  
12                   *tions, the development of exemplary*  
13                   *program activities, and the provision*  
14                   *of technical assistance to local areas*  
15                   *that fail to meet local performance ac-*  
16                   *countability measures described in sec-*  
17                   *tion 131(c);*

18                   *(ii) providing assistance to local areas,*  
19                   *in accordance with section 116(c)(1)(B);*

20                   *(iii) operating a fiscal and manage-*  
21                   *ment accountability information system in*  
22                   *accordance with section 131(i);*

23                   *(iv) carrying out monitoring and over-*  
24                   *sight of activities carried out under this*  
25                   *chapter and chapter 2;*

1           (v) disseminating—

2                 (I) the State list of eligible pro-  
3                 viders of training services, including  
4                 eligible providers of nontraditional  
5                 training services and eligible providers  
6                 of apprenticeship programs described  
7                 in section 222(a)(2)(B);

8                 (II) information identifying eligi-  
9                 ble providers of on-the-job training,  
10                customized training, incumbent worker  
11                training, internships, paid or unpaid  
12                work experience opportunities, or tran-  
13                sitional jobs;

14                (III) information on effective out-  
15                reach to, partnerships with, and serv-  
16                ices for, business;

17                (IV) information on effective serv-  
18                ice delivery strategies to serve workers  
19                and job seekers;

20                (V) performance information and  
21                information on program costs (such as  
22                tuition and fees) for participants in  
23                applicable programs, as described in  
24                subsections (d) and (h) of section 222;  
25                and

1                   (VI) *information on physical and*  
 2                   *programmatic accessibility, in accord-*  
 3                   *ance with section 288 and the Ameri-*  
 4                   *cans with Disabilities Act of 1990 (42*  
 5                   *U.S.C. 12101 et seq.), for individuals*  
 6                   *with disabilities;*

7                   (vi) *conducting evaluations under sec-*  
 8                   *tion 131(e) of activities authorized under*  
 9                   *this chapter and chapter 2 in coordination*  
 10                  *with evaluations carried out by the Sec-*  
 11                  *retary under section 270(a); and*

12                  (vii) *developing strategies for ensuring*  
 13                  *that activities carried out under this section*  
 14                  *are placing men and women in jobs, edu-*  
 15                  *cation, and training that lead to com-*  
 16                  *parable pay for men and women, including*  
 17                  *strategies to increase women's participation*  
 18                  *in high-wage, high-demand occupations in*  
 19                  *which women are underrepresented in the*  
 20                  *State's workforce.*

21                  (3) *ALLOWABLE STATEWIDE EMPLOYMENT AND*  
 22                  *TRAINING ACTIVITIES.—*

23                         (A) *IN GENERAL.—Funds reserved by a*  
 24                         *Governor under sections 228(a)(1) and 233(a)(1)*  
 25                         *and not used under paragraph (1)(A) or (2)(B)*

1           *(regardless of whether the funds were allotted to*  
2           *the State under section 227(b)(1)(C) or para-*  
3           *graph (1)(B) or (2)(B) of section 232(b)) may be*  
4           *used to carry out additional statewide employ-*  
5           *ment and training activities, which may in-*  
6           *clude—*

7                     *(i) implementing innovative programs*  
8                     *and strategies designed to meet the needs of*  
9                     *businesses in the State, including small*  
10                    *businesses, which may include—*

11                    *(I) providing incumbent worker*  
12                    *training;*

13                    *(II) providing customized train-*  
14                    *ing;*

15                    *(III) developing and imple-*  
16                    *menting industry sector strategies (in-*  
17                    *cluding strategies involving industry*  
18                    *partnerships, regional skills alliances,*  
19                    *industry skill panels, and sectoral*  
20                    *skills partnerships) in which represent-*  
21                    *atives of multiple employers for a spe-*  
22                    *cific industry sector or group of related*  
23                    *occupations—*

24                    *(aa) collaborate to address*  
25                    *common workforce needs with*

1 *suppliers, labor organizations,*  
2 *economic development agencies, el-*  
3 *igible providers of training serv-*  
4 *ices described in section 222, and*  
5 *other entities that can provide*  
6 *needed supportive services tailored*  
7 *to the needs of workers in that sec-*  
8 *tor or group for a local area or re-*  
9 *gion;*

10 *(bb) identify current and ex-*  
11 *pected gaps between the demand*  
12 *for and supply of labor and skills*  
13 *in that sector or group for that*  
14 *area or region; and*

15 *(cc) develop a strategic plan*  
16 *and training efforts to address*  
17 *skill gaps, advance industry*  
18 *growth and competitiveness, and*  
19 *improve worker productivity, re-*  
20 *tention, advancement, and com-*  
21 *petitiveness;*

22 *(IV) providing career ladder and*  
23 *career pathway programs;*

1                   (V) providing microenterprise and  
2                   entrepreneurial training and support  
3                   programs;

4                   (VI) utilizing effective business  
5                   intermediaries;

6                   (VII) using layoff aversion strate-  
7                   gies in collaboration with appropriate  
8                   economic development entities, which  
9                   strategies may include early identifica-  
10                  tion of firms at risk of layoffs, use of  
11                  feasibility studies to assess the needs of  
12                  and options for at-risk firms, and the  
13                  delivery of employment and training  
14                  activities to address risk factors;

15                  (VIII) providing activities to im-  
16                  prove linkages between the one-stop de-  
17                  livery systems in the State and em-  
18                  ployers (including small employers) in  
19                  the State; and

20                  (IX) providing other business  
21                  services and strategies that better en-  
22                  gage employers in workforce invest-  
23                  ment activities and make the workforce  
24                  development system more relevant to  
25                  meeting the needs of State and local



1                   *businesses, consistent with the objec-*  
2                   *tives of this title;*

3                   *(ii) developing strategies for effectively*  
4                   *serving individuals with barriers to employ-*  
5                   *ment and for coordinating programs and*  
6                   *services among one-stop partners;*

7                   *(iii) implementing programs for dis-*  
8                   *placed homemakers, which for purposes of*  
9                   *this clause may include an individual who*  
10                  *is receiving public assistance and is within*  
11                  *2 years of exhausting lifetime eligibility*  
12                  *under part A of title IV of the Social Secu-*  
13                  *rity Act (42 U.S.C. 601 et seq.);*

14                  *(iv) implementing programs to in-*  
15                  *crease the number of individuals training*  
16                  *for and placed in nontraditional employ-*  
17                  *ment;*

18                  *(v) carrying out activities to facilitate*  
19                  *remote access to services, including training*  
20                  *services described in subsection (c)(4), pro-*  
21                  *vided through a one-stop delivery system,*  
22                  *including facilitating access through the use*  
23                  *of technology;*

1           (vi) supporting the provision of core  
2           services described in subsection (c)(2) in the  
3           one-stop delivery systems in the State;

4           (vii) coordinating activities with the  
5           child welfare system to facilitate provision  
6           of services for children in foster care and  
7           children who are eligible for assistance  
8           under section 477 of the Social Security Act  
9           (42 U.S.C. 677);

10          (viii) activities—

11           (I) to improve coordination of  
12           workforce investment activities, and  
13           economic development activities, car-  
14           ried out within the State involved and  
15           to promote entrepreneurial skills train-  
16           ing and microenterprise services;

17           (II) to improve coordination of  
18           employment and training activities,  
19           child support services, and assistance  
20           provided by State and local agencies  
21           carrying out part D of title IV of the  
22           Social Security Act (42 U.S.C. 651 et  
23           seq.);

24           (III) to improve coordination of  
25           employment and training activities

1           *and cooperative extension programs*  
2           *carried out by the Department of Agri-*  
3           *culture;*

4                     *(IV) to improve coordination of*  
5           *employment and training activities*  
6           *and programs carried out in local*  
7           *areas for individuals with disabilities,*  
8           *including programs carried out by*  
9           *State agencies relating to intellectual*  
10          *disabilities and developmental disabil-*  
11          *ities, activities carried out by State-*  
12          *wide Independent Living Councils es-*  
13          *tablished under section 705 of the Re-*  
14          *habilitation Act of 1973 (29 U.S.C.*  
15          *796d), programs funded under part B*  
16          *of chapter 1 of title VII of such Act (29*  
17          *U.S.C. 796e et seq.), and activities car-*  
18          *ried out by centers for independent liv-*  
19          *ing, as defined in section 702 of such*  
20          *Act (29 U.S.C. 796a);*

21                     *(V) to develop and disseminate*  
22          *workforce and labor market informa-*  
23          *tion;*

24                     *(VI) to improve coordination of*  
25          *employment and training activities,*

1           *and adult education and literacy ac-*  
2           *tivities, provided by public libraries;*

3                     *(VII) to improve coordination of*  
4           *activities with the corrections system to*  
5           *facilitate provision of training services*  
6           *and employment opportunities that*  
7           *will assist ex-offenders in reentering*  
8           *the workforce; and*

9                     *(VIII) to promote financial lit-*  
10          *eracy, including carrying out activities*  
11          *described in section 229(b)(1)(I);*

12          *(ix) conducting—*

13                    *(I) research related to meeting the*  
14          *employment and education needs of*  
15          *adult and dislocated workers; and*

16                    *(II) demonstration projects related*  
17          *to meeting the employment and edu-*  
18          *cation needs of adult and dislocated*  
19          *workers;*

20                    *(x) implementing promising services*  
21          *for workers and businesses, which may in-*  
22          *clude providing support for education,*  
23          *training, skill upgrading, and statewide*  
24          *networking for employees to become work-*  
25          *place learning advisors and maintain pro-*

1 *iciency in carrying out the activities asso-*  
 2 *ciated with such advising;*

3 *(xi) providing incentive grants to local*  
 4 *areas for performance by the local areas on*  
 5 *local performance accountability measures*  
 6 *described in section 131(c);*

7 *(xii) adopting, calculating, or commis-*  
 8 *sioning for approval an economic self-suffi-*  
 9 *ciency standard for the State that specifies*  
 10 *the income needs of families, by family size,*  
 11 *the number and ages of children in the fam-*  
 12 *ily, and substate geographical consider-*  
 13 *ations; and*

14 *(xiii) developing and disseminating*  
 15 *common intake procedures and related*  
 16 *items, including registration processes, ma-*  
 17 *terials, or software.*

18 *(B) LIMITATION.—*

19 *(i) IN GENERAL.—Of the funds allotted*  
 20 *to a State under sections 227(b) and 232(b)*  
 21 *and reserved as described in sections 228(a)*  
 22 *and 233(a)(1) for a fiscal year—*

23 *(I) not more than 5 percent of the*  
 24 *amount allotted under section*  
 25 *227(b)(1);*

1                   (II) not more than 5 percent of  
 2                   the amount allotted under section  
 3                   232(b)(1); and

4                   (III) not more than 5 percent of  
 5                   the amount allotted under section  
 6                   232(b)(2),

7                   may be used by the State for the adminis-  
 8                   tration of statewide youth workforce invest-  
 9                   ment activities carried out under section  
 10                  229 and statewide employment and train-  
 11                  ing activities carried out under this section.

12                  (ii) *USE OF FUNDS.*—Funds made  
 13                  available for administrative costs under  
 14                  clause (i) may be used for the administra-  
 15                  tive cost of any of the statewide youth work-  
 16                  force investment activities or statewide em-  
 17                  ployment and training activities, regardless  
 18                  of whether the funds were allotted to the  
 19                  State under section 227(b)(1) or paragraph  
 20                  (1) or (2) of section 232(b).

21                  (b) *LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.*—  
 22                  Funds allocated to a local area for adults under paragraph  
 23                  (2)(A) or (3), as appropriate, of section 233(b), and funds  
 24                  allocated to a local area for dislocated workers under section  
 25                  233(b)(2)(B)—

1           (1) *shall be used to carry out employment and*  
 2           *training activities described in subsection (c) for*  
 3           *adults or dislocated workers, respectively; and*

4           (2) *may be used to carry out employment and*  
 5           *training activities described in subsection (d) for*  
 6           *adults or dislocated workers, respectively.*

7           (c) *REQUIRED LOCAL EMPLOYMENT AND TRAINING*  
 8           *ACTIVITIES.—*

9           (1) *IN GENERAL.—*

10           (A) *ALLOCATED FUNDS.—Funds allocated*  
 11           *to a local area for adults under paragraph*  
 12           *(2)(A) or (3), as appropriate, of section 233(b),*  
 13           *and funds allocated to the local area for dis-*  
 14           *located workers under section 233(b)(2)(B), shall*  
 15           *be used—*

16                   (i) *to establish a one-stop delivery sys-*  
 17                   *tem described in section 221(e);*

18                   (ii) *to provide the core services de-*  
 19                   *scribed in paragraph (2) to adults and dis-*  
 20                   *located workers, respectively, through the*  
 21                   *one-stop delivery system in accordance with*  
 22                   *such paragraph;*

23                   (iii) *to provide the intensive services*  
 24                   *described in paragraph (3) to adults and*

1           *dislocated workers, respectively, described in*  
2           *such paragraph; and*

3           *(iv) to provide training services de-*  
4           *scribed in paragraph (4) to adults and dis-*  
5           *located workers, respectively, described in*  
6           *such paragraph;*

7           *(v) to designate a dedicated business li-*  
8           *aison in the local area (whose activities*  
9           *may be funded with funds provided under*  
10          *this title or from other sources) to establish*  
11          *and develop relationships and networks*  
12          *with large and small employers and their*  
13          *intermediaries.*

14          *(B) OTHER FUNDS.—Consistent with sub-*  
15          *sections (h) and (i) of section 221, a portion of*  
16          *the funds made available under Federal law au-*  
17          *thorizing the programs and activities described*  
18          *in section 221(b)(1)(B), including the Wagner-*  
19          *Peyser Act (29 U.S.C. 49 et seq.), shall be used*  
20          *as described in clauses (i) and (ii) of subpara-*  
21          *graph (A), to the extent not inconsistent with the*  
22          *Federal law involved.*

23          *(2) CORE SERVICES.—Funds described in para-*  
24          *graph (1) shall be used to provide core services, which*  
25          *shall be available to individuals who are adults or*



1        *dislocated workers through the one-stop delivery sys-*  
2        *tem and shall, at a minimum, include—*

3                *(A) determinations of whether the individ-*  
4                *uals are eligible to receive assistance under this*  
5                *subtitle;*

6                *(B) outreach, intake (which may include*  
7                *worker profiling), and orientation to the infor-*  
8                *mation and other services available through the*  
9                *one-stop delivery system;*

10               *(C) initial assessment of skill levels (includ-*  
11               *ing literacy, numeracy, and English language*  
12               *proficiency), aptitudes, abilities (including skills*  
13               *gaps), and supportive service needs;*

14               *(D) labor exchange services, including—*

15                    *(i) job search and placement assistance*  
16                    *and, in appropriate cases, career coun-*  
17                    *seling, including—*

18                                *(I) provision of information on*  
19                                *in-demand industry sectors and occu-*  
20                                *pations; and*

21                                *(II) provision of information on*  
22                                *nontraditional employment; and*

23                    *(ii) appropriate recruitment and other*  
24                    *business services on behalf of employers, in-*  
25                    *cluding small employers, in the local area,*

1           *which services may include services de-*  
2           *scribed in this subsection, such as providing*  
3           *information and referral to specialized busi-*  
4           *ness services not traditionally offered*  
5           *through the one-stop delivery system;*

6           *(E) provision of referrals to and coordina-*  
7           *tion of activities with other programs and serv-*  
8           *ices, including programs and services within the*  
9           *one-stop delivery system and, in appropriate*  
10          *cases, other workforce development programs;*

11          *(F) provision of workforce and labor market*  
12          *employment statistics information, including the*  
13          *provision of accurate information relating to*  
14          *local, regional, and national labor market areas,*  
15          *including—*

16                *(i) job vacancy listings in such labor*  
17                *market areas;*

18                *(ii) information on job skills necessary*  
19                *to obtain the jobs described in clause (i);*  
20                *and*

21                *(iii) information relating to local occu-*  
22                *pations in demand and the earnings, skill*  
23                *requirements, and opportunities for ad-*  
24                *vancement for such occupations; and*

1           (G) provision of performance information  
2           and program cost information on eligible pro-  
3           viders of training services as described in section  
4           222, provided by program, and eligible providers  
5           of youth workforce investment activities described  
6           in section 223, providers of adult education de-  
7           scribed in title III, providers of career and tech-  
8           nical education activities at the postsecondary  
9           level, and career and technical education activi-  
10          ties available to school dropouts, under the Carl  
11          D. Perkins Career and Technical Education Act  
12          of 2006 (20 U.S.C. 2301 et seq.), and providers  
13          of vocational rehabilitation services described in  
14          title I of the Rehabilitation Act of 1973 (29  
15          U.S.C. 720 et seq.);

16          (H) provision of information, in formats  
17          that are usable by and understandable to one-  
18          stop center customers, regarding how the local  
19          area is performing on the local performance ac-  
20          countability measures described in section 131(c)  
21          and any additional performance information  
22          with respect to the one-stop delivery system in  
23          the local area;

24          (I)(i) provision of information, in formats  
25          that are usable by and understandable to one-

1        *stop center customers, relating to the availability*  
2        *of supportive services or assistance, including*  
3        *child care, child support, medical or child health*  
4        *assistance under title XIX or XXI of the Social*  
5        *Security Act (42 U.S.C. 1396 et seq. and 1397aa*  
6        *et seq.), benefits under the supplemental nutri-*  
7        *tion assistance program established under the*  
8        *Food and Nutrition Act of 2008 (7 U.S.C. 2011*  
9        *et seq.), assistance through the earned income tax*  
10       *credit under section 32 of the Internal Revenue*  
11       *Code of 1986, and assistance under a State pro-*  
12       *gram for temporary assistance for needy families*  
13       *funded under part A of title IV of the Social Se-*  
14       *curity Act (42 U.S.C. 601 et seq.) and other sup-*  
15       *portive services and transportation provided*  
16       *through funds made available under such part,*  
17       *available in the local area; and*

18                *(ii) referral to the services or assistance de-*  
19        *scribed in clause (i), as appropriate;*

20                *(J) provision of information and assistance*  
21        *regarding filing claims for unemployment com-*  
22        *pensation;*

23                *(K) assistance in establishing eligibility for*  
24        *programs of financial aid assistance for training*

1           *and education programs that are not funded*  
2           *under this Act; and*

3           *(L) followup services, including counseling*  
4           *regarding the workplace, for participants in*  
5           *workforce investment activities authorized under*  
6           *this subtitle who are placed in unsubsidized em-*  
7           *ployment, for not less than 12 months after the*  
8           *first day of the employment, as appropriate.*

9           (3) *INTENSIVE SERVICES.—*

10           (A) *IN GENERAL.—*

11           (i) *ELIGIBILITY.—Except as provided*  
12           *in clause (ii), funds allocated to a local*  
13           *area for adults under paragraph (2)(A) or*  
14           *(3), as appropriate, of section 233(b), and*  
15           *funds allocated to the local area for dis-*  
16           *located workers under section 233(b)(2)(B),*  
17           *shall be used to provide intensive services to*  
18           *adults and dislocated workers, respec-*  
19           *tively—*

20           *(I) who are unemployed and who,*  
21           *after an interview, evaluation, or as-*  
22           *essment, have been determined by a*  
23           *one-stop operator or one-stop partner*  
24           *as appropriate, to be—*

1                   (aa) unlikely or unable to ob-  
2                   tain employment, that leads to  
3                   economic self-sufficiency or wages  
4                   comparable to or higher than  
5                   wages from previous employment,  
6                   through core services described in  
7                   paragraph (2); and

8                   (bb) in need of intensive serv-  
9                   ices to obtain employment that  
10                  leads to economic self-sufficiency  
11                  or wages comparable to or higher  
12                  than wages from previous employ-  
13                  ment; or

14               (II) who are employed, but who,  
15               after an interview, evaluation, or as-  
16               sessment are determined by a one-stop  
17               operator or one-stop partner to be in  
18               need of such intensive services to ob-  
19               tain or retain employment that leads  
20               to economic self-sufficiency.

21               (ii) USE OF PREVIOUS ASSESS-  
22               MENTS.—A one-stop operator or one-stop  
23               partner shall not be required to conduct a  
24               new interview, evaluation, or assessment of  
25               a participant under clause (i) if the one-

1            *stop operator or one-stop partner deter-*  
 2            *mines that it is appropriate to use a recent*  
 3            *interview, evaluation, or assessment of the*  
 4            *participant conducted pursuant to another*  
 5            *education or training program.*

6            *(iii) RULE OF CONSTRUCTION.—Nothing*  
 7            *in this subparagraph shall be construed*  
 8            *to mean that an individual is required to*  
 9            *receive core services prior to receiving inten-*  
 10           *sive services.*

11           *(B) DELIVERY OF SERVICES.—Such inten-*  
 12           *sive services shall be provided through the one-*  
 13           *stop delivery system—*

14           *(i) directly through one-stop operators*  
 15           *identified pursuant to section 221(d); or*

16           *(ii) through contracts with service pro-*  
 17           *viders, which may include contracts with*  
 18           *public, private for-profit, and private non-*  
 19           *profit service providers, approved by the*  
 20           *local board.*

21           *(C) TYPES OF SERVICES.—Such intensive*  
 22           *services may include the following:*

23           *(i) Comprehensive and specialized as-*  
 24           *sessments of the skill levels and service needs*

1           *of adults and dislocated workers, which may*  
 2           *include—*

3                     *(I) diagnostic testing and use of*  
 4                     *other assessment tools; and*

5                     *(II) in-depth interviewing and*  
 6                     *evaluation to identify employment bar-*  
 7                     *riers and appropriate employment*  
 8                     *goals.*

9                     *(ii) Development of an individual em-*  
 10                    *ployment plan, to identify the employment*  
 11                    *goals, appropriate achievement objectives,*  
 12                    *and appropriate combination of services for*  
 13                    *the participant to achieve the employment*  
 14                    *goals, including providing information on*  
 15                    *eligible providers of training services pursu-*  
 16                    *ant to paragraph (4)(F)(ii), and career*  
 17                    *pathways to attain career objectives.*

18                    *(iii) Group counseling.*

19                    *(iv) Individual counseling.*

20                    *(v) Career planning.*

21                    *(vi) Short-term prevocational services,*  
 22                    *including development of learning skills,*  
 23                    *communication skills, interviewing skills,*  
 24                    *punctuality, personal maintenance skills,*  
 25                    *and professional conduct, to prepare indi-*



viduals for unsubsidized employment or training.

(vii) Internships and work experiences that are linked to careers.

(viii) Workforce preparation activities.

(ix) Financial literacy services, such as activities described in section 229(b)(1)(I).

(x) Out-of-area job search assistance and relocation assistance.

(xi) English language acquisition and integrated education and training programs.

(4) TRAINING SERVICES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 233(b), and funds allocated to the local area for dislocated workers under section 233(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career plan-

1            *ning, have been determined by a one-*  
2            *stop operator or one-stop partner, as*  
3            *appropriate, to—*

4                    *(aa) be unlikely or unable to*  
5                    *obtain or retain employment, that*  
6                    *leads to economic self-sufficiency*  
7                    *or wages comparable to or higher*  
8                    *than wages from previous employ-*  
9                    *ment, through the intensive serv-*  
10                   *ices described in paragraph (3);*

11                   *(bb) be in need of training*  
12                   *services to obtain or retain em-*  
13                   *ployment that leads to economic*  
14                   *self-sufficiency or wages com-*  
15                   *parable to or higher than wages*  
16                   *from previous employment; and*

17                   *(cc) have the skills and quali-*  
18                   *fications to successfully partici-*  
19                   *pate in the selected program of*  
20                   *training services;*

21                   *(II) who select programs of train-*  
22                   *ing services that are directly linked to*  
23                   *the employment opportunities in the*  
24                   *local area or region involved or in an-*  
25                   *other area to which the adults or dis-*

1 *located workers are willing to commute*  
2 *or relocate;*

3 *(III) who meet the requirements of*  
4 *subparagraph (B); and*

5 *(IV) who are determined to be eli-*  
6 *gible in accordance with the priority*  
7 *system in effect under subparagraph*  
8 *(E).*

9 *(ii) USE OF PREVIOUS ASSESS-*  
10 *MENTS.—A one-stop operator or one-stop*  
11 *partner shall not be required to conduct a*  
12 *new interview, evaluation, or assessment of*  
13 *a participant under clause (i) if the one-*  
14 *stop operator or one-stop partner deter-*  
15 *mines that it is appropriate to use a recent*  
16 *interview, evaluation, or assessment of the*  
17 *participant conducted pursuant to another*  
18 *education or training program.*

19 *(iii) RULE OF CONSTRUCTION.—Noth-*  
20 *ing in this subparagraph shall be construed*  
21 *to mean an individual is required to receive*  
22 *core or intensive services prior to receiving*  
23 *training services.*

24 *(B) QUALIFICATION.—*

1           (i) *REQUIREMENT.*—Notwithstanding  
 2           *section 479B of the Higher Education Act*  
 3           *of 1965 (20 U.S.C. 1087uu) and except as*  
 4           *provided in clause (ii), provision of such*  
 5           *training services shall be limited to individ-*  
 6           *uals who—*

7                     *(I) are unable to obtain other*  
 8                     *grant assistance for such services, in-*  
 9                     *cluding Federal Pell Grants established*  
 10                    *under subpart 1 of part A of title IV*  
 11                    *of the Higher Education Act of 1965*  
 12                    *(20 U.S.C. 1070a et seq.); or*

13                    *(II) require assistance beyond the*  
 14                    *assistance made available under other*  
 15                    *grant assistance programs, including*  
 16                    *Federal Pell Grants.*

17           (ii) *REIMBURSEMENTS.*—Training  
 18           *services may be provided under this para-*  
 19           *graph to an individual who otherwise meets*  
 20           *the requirements of this paragraph while an*  
 21           *application for a Federal Pell Grant is*  
 22           *pending, except that if such individual is*  
 23           *subsequently awarded a Federal Pell Grant,*  
 24           *appropriate reimbursement shall be made to*  
 25           *the local area from such Federal Pell Grant.*

1                   (iii) *CONSIDERATION.*—*In determining*  
2                   *whether an individual requires assistance*  
3                   *under clause (i)(II), a one-stop operator (or*  
4                   *one-stop partner, where appropriate) may*  
5                   *take into consideration the full cost of par-*  
6                   *ticipating in training services, including*  
7                   *the costs of dependent care and transpor-*  
8                   *tation, and other appropriate costs.*

9                   (C) *PROVIDER QUALIFICATION.*—*Training*  
10                  *services shall be provided through providers iden-*  
11                  *tified in accordance with section 222.*

12                  (D) *TRAINING SERVICES.*—*Training serv-*  
13                  *ices may include—*

14                         (i) *occupational skills training, includ-*  
15                         *ing training for nontraditional employ-*  
16                         *ment;*

17                         (ii) *on-the-job training;*

18                         (iii) *incumbent worker training in ac-*  
19                         *cordance with subsection (d)(4);*

20                         (iv) *programs that combine workplace*  
21                         *training with related instruction, which*  
22                         *may include cooperative education pro-*  
23                         *grams;*

24                         (v) *training programs operated by the*  
25                         *private sector;*

1                   (vi) skill upgrading and retraining;

2                   (vii) entrepreneurial training;

3                   (viii) transitional jobs in accordance  
4 with subsection (d)(5);

5                   (ix) job readiness training provided in  
6 combination with services described in any  
7 of clauses (i) through (viii);

8                   (x) adult education and literacy activi-  
9 ties, including activities of English lan-  
10 guage acquisition and integrated education  
11 and training programs, provided concur-  
12 rently or in combination with services de-  
13 scribed in any of clauses (i) through (vii);  
14 and

15                   (xi) customized training conducted  
16 with a commitment by an employer or  
17 group of employers to employ an individual  
18 upon successful completion of the training.

19                   (E) PRIORITY.—With respect to funds allo-  
20 cated to a local area for adult employment and  
21 training activities under paragraph (2)(A) or  
22 (3) of section 233(b), priority shall be given to  
23 recipients of public assistance, other low-income  
24 individuals, and individuals who are basic skills  
25 deficient for receipt of intensive services and

1           *training services. The appropriate local board*  
 2           *and the Governor shall direct the one-stop opera-*  
 3           *tors in the local area with regard to making de-*  
 4           *terminations related to such priority.*

5           *(F) CONSUMER CHOICE REQUIREMENTS.—*

6                 *(i) IN GENERAL.—Training services*  
 7                 *provided under this paragraph shall be pro-*  
 8                 *vided in a manner that maximizes con-*  
 9                 *sumer choice in the selection of an eligible*  
 10                *provider of such services.*

11                *(ii) ELIGIBLE PROVIDERS.—Each local*  
 12                *board, through one-stop centers, shall make*  
 13                *available the list of eligible providers of*  
 14                *training services described in section*  
 15                *222(d), and accompanying information, in*  
 16                *accordance with section 222(d).*

17                *(iii) INDIVIDUAL TRAINING AC-*  
 18                *COUNTS.—An individual who seeks training*  
 19                *services and who is eligible pursuant to sub-*  
 20                *paragraph (A), may, in consultation with a*  
 21                *career planner, select an eligible provider of*  
 22                *training services from the list of providers*  
 23                *described in clause (ii). Upon such selection,*  
 24                *the one-stop operator involved shall, to the*  
 25                *extent practicable, refer such individual to*

1           the eligible provider of training services,  
2           and arrange for payment for such services  
3           through an individual training account.

4           (iv) *COORDINATION.*—Each local board  
5           may, through one-stop centers, coordinate  
6           funding for individual training accounts  
7           with funding from other Federal, State,  
8           local, or private job training programs or  
9           sources to assist the individual in obtaining  
10          training services.

11          (v) *ADDITIONAL INFORMATION.*—Pri-  
12          ority consideration may be given to pro-  
13          grams that lead to recognized postsecondary  
14          credentials that are aligned with in-demand  
15          industry sectors or occupations in the local  
16          area involved.

17          (G) *USE OF INDIVIDUAL TRAINING AC-*  
18          *COUNTS.*—

19               (i) *IN GENERAL.*—Except as provided  
20               in clause (ii), training services provided  
21               under this paragraph shall be provided  
22               through the use of individual training ac-  
23               counts in accordance with this paragraph,  
24               and shall be provided to eligible individuals  
25               through the one-stop delivery system.



1           (ii) *TRAINING CONTRACTS.*—*Training*  
2           *services authorized under this paragraph*  
3           *may be provided pursuant to a contract for*  
4           *services in lieu of an individual training*  
5           *account if—*

6                   (I) *the requirements of subpara-*  
7                   *graph (F) are met;*

8                   (II) *such services are on-the-job*  
9                   *training, customized training, incum-*  
10                   *bent worker training, or transitional*  
11                   *employment;*

12                   (III) *the local board determines*  
13                   *there are an insufficient number of eli-*  
14                   *gible providers of training services in*  
15                   *the local area involved (such as in a*  
16                   *rural area) to accomplish the purposes*  
17                   *of a system of individual training ac-*  
18                   *counts;*

19                   (IV) *the local board determines*  
20                   *that there is a training services pro-*  
21                   *gram of demonstrated effectiveness of-*  
22                   *fered in the local area by a commu-*  
23                   *nity-based organization or another pri-*  
24                   *ivate organization to serve individuals*  
25                   *with barriers to employment; or*

1                   (V) *the local board determines*  
2                   *that—*

3                               (aa) *it would be most appro-*  
4                               *priate to award a contract to an*  
5                               *institution of higher education or*  
6                               *other eligible provider of training*  
7                               *services in order to facilitate the*  
8                               *training of multiple individuals*  
9                               *in in-demand industry sectors or*  
10                              *occupations; and*

11                             (bb) *such contract does not*  
12                             *limit customer choice.*

13                   (iii) *LINKAGE TO OCCUPATIONS IN DE-*  
14                   *MAND.—Training services provided under*  
15                   *this paragraph shall be directly linked to an*  
16                   *in-demand industry sector or occupation in*  
17                   *the local area or region, or in another area*  
18                   *to which an adult or dislocated worker re-*  
19                   *ceiving such services is willing to relocate,*  
20                   *except that a local board may approve*  
21                   *training services for occupations determined*  
22                   *by the local board to be in sectors of the*  
23                   *economy that have a high potential for sus-*  
24                   *tained demand or growth in the local area.*

1                   (iv) *RULE OF CONSTRUCTION.*—*Noth-*  
 2                   *ing in this paragraph shall be construed to*  
 3                   *preclude the combined use of individual*  
 4                   *training accounts and contracts in the pro-*  
 5                   *vision of training services, including ar-*  
 6                   *rangements that allow individuals receiving*  
 7                   *individual training accounts to obtain*  
 8                   *training services that are contracted for*  
 9                   *under clause (ii).*

10                  (H) *REIMBURSEMENT FOR ON-THE-JOB*  
 11                  *TRAINING.*—

12                   (i) *REIMBURSEMENT LEVEL.*—*For*  
 13                   *purposes of the provision of on-the-job*  
 14                   *training under this paragraph, the Gov-*  
 15                   *ernor or local board involved may increase*  
 16                   *the amount of the reimbursement described*  
 17                   *in section 101(44) to an amount of up to 75*  
 18                   *percent of the wage rate of a participant for*  
 19                   *a program carried out under chapter 2 or*  
 20                   *this chapter, if, respectively—*

21                   (I) *the Governor approves the in-*  
 22                   *crease with respect to a program car-*  
 23                   *ried out with funds reserved by the*  
 24                   *State under that chapter, taking into*

1                   *account the factors described in clause*  
2                   *(ii); or*

3                   *(II) the local board approves the*  
4                   *increase with respect to a program car-*  
5                   *ried out with funds allocated to a local*  
6                   *area under such chapter, taking into*  
7                   *account those factors.*

8                   *(ii) FACTORS.—For purposes of clause*  
9                   *(i), the Governor or local board, respec-*  
10                  *tively, shall take into account factors con-*  
11                  *sisting of—*

12                  *(I) the characteristics of the par-*  
13                  *ticipants;*

14                  *(II) the size of the employer;*

15                  *(III) the quality of employer-pro-*  
16                  *vided training and advancement op-*  
17                  *portunities; and*

18                  *(IV) such other factors as the Gov-*  
19                  *ernor or local board, respectively, may*  
20                  *determine to be appropriate, which*  
21                  *may include the number of employees*  
22                  *participating in the training, wage*  
23                  *and benefit levels of those employees (at*  
24                  *present and anticipated upon comple-*  
25                  *tion of the training), and relation of*

1                    *the training to the competitiveness of a*  
 2                    *participant.*

3            *(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING*  
 4 *ACTIVITIES.—*

5            *(1) IN GENERAL.—*

6                    *(A) ACTIVITIES.—Funds allocated to a local*  
 7                    *area for adults under paragraph (2)(A) or (3),*  
 8                    *as appropriate, of section 233(b), and funds allo-*  
 9                    *cated to the local area for dislocated workers*  
 10                   *under section 233(b)(2)(B), may be used to pro-*  
 11                   *vide, through the one-stop delivery system in-*  
 12                   *volved (and through collaboration with the local*  
 13                   *board, for the purpose of the activities described*  
 14                   *in clauses (ix) and (xi))—*

15                   *(i) customized screening and referral of*  
 16                   *qualified participants in training services*  
 17                   *described in subsection (c)(4) to employers;*

18                   *(ii) customized employment-related*  
 19                   *services to employers, employer associations,*  
 20                   *or other such organizations on a fee-for-*  
 21                   *service basis;*

22                   *(iii) customer support to enable indi-*  
 23                   *viduals with barriers to employment (in-*  
 24                   *cluding individuals with disabilities) and*

1            *veterans, to navigate among multiple serv-*  
2            *ices and activities for such populations;*

3            *(iv) technical assistance and capacity*  
4            *building for one-stop operators, one-stop*  
5            *partners, and eligible providers of training*  
6            *services, regarding the provision of services*  
7            *to individuals with disabilities in local*  
8            *areas, including the development and train-*  
9            *ing of staff, the provision of outreach, in-*  
10           *take, assessments, and service delivery, the*  
11           *coordination of services across providers*  
12           *and programs, and the development of per-*  
13           *formance accountability measures;*

14           *(v) employment and training activities*  
15           *provided in coordination with child support*  
16           *enforcement activities of the State and local*  
17           *agencies carrying out part D of title IV of*  
18           *the Social Security Act (42 U.S.C. 651 et*  
19           *seq.);*

20           *(vi) activities to improve coordination*  
21           *of employment and training activities, child*  
22           *support services, and assistance, provided*  
23           *by State and local agencies carrying out*  
24           *part D of title IV of the Social Security Act*  
25           *(42 U.S.C. 651 et seq.);*

1                   (vii) activities to improve coordination  
 2                   between employment and training activities  
 3                   and cooperative extension programs carried  
 4                   out by the Department of Agriculture;

5                   (viii) activities to facilitate remote ac-  
 6                   cess to services provided through a one-stop  
 7                   delivery system, including facilitating ac-  
 8                   cess through the use of technology;

9                   (ix) activities—

10                   (I) to improve coordination be-  
 11                   tween workforce investment activities  
 12                   and economic development activities  
 13                   carried out within the local area in-  
 14                   volved, and to promote entrepreneurial  
 15                   skills training and microenterprise  
 16                   services;

17                   (II) to improve services and link-  
 18                   ages between the local workforce invest-  
 19                   ment system (including the local one-  
 20                   stop delivery system) and employers,  
 21                   including small employers, in the local  
 22                   area, through services described in this  
 23                   section; and

1                   (III) to strengthen linkages be-  
 2                   tween the one-stop delivery system and  
 3                   unemployment insurance programs;

4                   (x) training programs for displaced  
 5                   homemakers and for individuals training  
 6                   for nontraditional occupations, in conjunc-  
 7                   tion with programs operated in the local  
 8                   area;

9                   (xi) activities to provide business serv-  
 10                  ices and strategies that meet the workforce  
 11                  investment needs of area employers, as de-  
 12                  termined by the local board, consistent with  
 13                  the local plan under section 118, which  
 14                  services—

15                   (I) may be provided through effec-  
 16                   tive business intermediaries working in  
 17                   conjunction with the local board, and  
 18                   may also be provided on a fee-for-serv-  
 19                   ice basis or through the leveraging of  
 20                   economic development, philanthropic,  
 21                   and other public and private resources  
 22                   in a manner determined appropriate  
 23                   by the local board; and

24                   (II) may include—



1                   (aa) identifying and dissemi-  
2                   nating to business, educators, and  
3                   job seekers, information related to  
4                   the workforce, economic and com-  
5                   munity development needs, and  
6                   opportunities presented by the  
7                   local economy;

8                   (bb) developing and imple-  
9                   menting industry sector strategies  
10                  (including strategies involving in-  
11                  dustry partnerships, regional  
12                  skills alliances, industry skill  
13                  panels, and sectoral skills partner-  
14                  ships) in which representatives of  
15                  multiple employers for a specific  
16                  industry sector or group of related  
17                  occupations—

18                  (AA) collaborate to ad-  
19                  dress common workforce  
20                  needs with suppliers, labor  
21                  organizations, economic de-  
22                  velopment agencies, eligible  
23                  providers of training services  
24                  described in section 222, and  
25                  other entities that can pro-

1                    *vide needed supportive serv-*  
2                    *ices tailored to the needs of*  
3                    *workers in that sector or*  
4                    *group for a local area or re-*  
5                    *gion;*

6                    *(BB) identify current*  
7                    *and expected gaps between*  
8                    *the demand for and supply of*  
9                    *labor and skills in that sector*  
10                  *or group for that area or re-*  
11                  *gion; and*

12                  *(CC) develop a strategic*  
13                  *plan and training efforts to*  
14                  *address skill gaps, advance*  
15                  *industry growth and com-*  
16                  *petitiveness, and improve*  
17                  *worker productivity, reten-*  
18                  *tion, advancement, and com-*  
19                  *petitiveness;*

20                  *(cc) developing and deliv-*  
21                  *ering innovative workforce invest-*  
22                  *ment services and strategies for*  
23                  *area employers, which may in-*  
24                  *clude career ladder, skills upgrad-*  
25                  *ing, skill standard development*

1 *and certification for recognized*  
2 *postsecondary credential or other*  
3 *employer use, apprenticeship, and*  
4 *other effective initiatives for meet-*  
5 *ing the workforce investment*  
6 *needs of area employers and work-*  
7 *ers;*

8 *(dd) participation, of appro-*  
9 *prate personnel of area employ-*  
10 *ers, in seminars and classes of-*  
11 *fered in partnership with relevant*  
12 *organizations focusing on the*  
13 *workforce-related needs of area*  
14 *employers and job seekers;*

15 *(ee) training, consulting,*  
16 *needs analysis, and brokering*  
17 *services for area employers, in-*  
18 *cluding the organization and ag-*  
19 *gregation of training for indi-*  
20 *vidual employers and coalitions of*  
21 *employers with similar interests,*  
22 *products, or workforce needs, ex-*  
23 *cept that services described in this*  
24 *item may be paid for with funds*

1 *other than those provided under*  
2 *this title;*

3 *(ff) assistance to area em-*  
4 *ployers in managing reductions*  
5 *in force in coordination with*  
6 *rapid response activities provided*  
7 *under subsection (a)(2)(A) and*  
8 *with strategies for the aversion of*  
9 *layoffs, which strategies may in-*  
10 *clude early identification of firms*  
11 *at risk of layoffs, use of feasibility*  
12 *studies to assess the needs of and*  
13 *options for at-risk firms, and the*  
14 *delivery of employment and train-*  
15 *ing activities to address risk fac-*  
16 *tors;*

17 *(gg) the marketing of busi-*  
18 *ness services offered under this*  
19 *title, to appropriate area employ-*  
20 *ers, including small and mid-*  
21 *sized employers;*

22 *(hh) information referral on*  
23 *concerns affecting local employers;*  
24 *and*

1                   (ii) other business services  
2                   and strategies that better engage  
3                   employers in workforce investment  
4                   activities and make the workforce  
5                   investment system more relevant  
6                   to meeting the needs of local busi-  
7                   nesses, as determined by the local  
8                   board to be consistent with the ob-  
9                   jectives of this title;

10                  (xii) activities to adjust the economic  
11                  self-sufficiency standards referred to in sub-  
12                  section (a)(3)(A)(xii) for local factors, or ac-  
13                  tivities to adopt, calculate, or commission  
14                  for approval, economic self-sufficiency  
15                  standards for the local areas that specify the  
16                  income needs of families, by family size, the  
17                  number and ages of children in the family,  
18                  and substate geographical considerations;

19                  (xiii) improved coordination between  
20                  employment and training activities and  
21                  programs carried out in the local area for  
22                  individuals with disabilities, including pro-  
23                  grams carried out by State agencies relating  
24                  to intellectual disabilities and develop-  
25                  mental disabilities, activities carried out by

1           *Statewide Independent Living Councils es-*  
 2           *tablished under section 705 of the Rehabili-*  
 3           *tation Act of 1973 (29 U.S.C. 796d), pro-*  
 4           *grams funded under part B of chapter 1 of*  
 5           *title VII of such Act (29 U.S.C. 796e et*  
 6           *seq.), and activities carried out by centers*  
 7           *for independent living, as defined in section*  
 8           *702 of such Act (29 U.S.C. 796a); and*

9                     *(xiv) implementation of promising*  
 10           *services to workers and businesses, which*  
 11           *may include support for education, train-*  
 12           *ing, skill upgrading, and statewide net-*  
 13           *working for employees to become workplace*  
 14           *learning advisors and maintain proficiency*  
 15           *in carrying out the activities associated*  
 16           *with such advising.*

17           *(B) WORK SUPPORT ACTIVITIES FOR LOW-*  
 18           *WAGE WORKERS.—*

19                     *(i) IN GENERAL.—Funds allocated to a*  
 20           *local area for adults under paragraph*  
 21           *(2)(A) or (3), as appropriate, of section*  
 22           *233(b), and funds allocated to the local area*  
 23           *for dislocated workers under section*  
 24           *233(b)(2)(B), may be used to provide,*  
 25           *through the one-stop delivery system in-*

1            *involved, work support activities designed to*  
 2            *assist low-wage workers in retaining and*  
 3            *enhancing employment. The one-stop part-*  
 4            *ners of the system shall coordinate the ap-*  
 5            *propriate programs and resources of the*  
 6            *partners with the activities and resources*  
 7            *provided under this subparagraph.*

8            *(ii) ACTIVITIES.—The work support*  
 9            *activities described in clause (i) may in-*  
 10           *clude the provision of activities described in*  
 11           *this section through the one-stop delivery*  
 12           *system in a manner that enhances the op-*  
 13           *portunities of such workers to participate in*  
 14           *the activities, such as the provision of ac-*  
 15           *tivities described in this section during non-*  
 16           *traditional hours and the provision of on-*  
 17           *site child care while such activities are*  
 18           *being provided.*

19           *(2) SUPPORTIVE SERVICES.—Funds allocated to*  
 20           *a local area for adults under paragraph (2)(A) or (3),*  
 21           *as appropriate, of section 233(b), and funds allocated*  
 22           *to the local area for dislocated workers under section*  
 23           *233(b)(2)(B), may be used to provide supportive serv-*  
 24           *ices to adults and dislocated workers, respectively—*

1           (A) who are participating in programs with  
2           activities authorized in any of paragraphs (2),  
3           (3), or (4) of subsection (c); and

4           (B) who are unable to obtain such sup-  
5           portive services through other programs pro-  
6           viding such services.

7           (3) *NEEDS-RELATED PAYMENTS.*—

8           (A) *IN GENERAL.*—Funds allocated to a  
9           local area for adults under paragraph (2)(A) or  
10          (3), as appropriate, of section 233(b), and funds  
11          allocated to the local area for dislocated workers  
12          under section 233(b)(2)(B), may be used to pro-  
13          vide needs-related payments to adults and dis-  
14          located workers, respectively, who are unem-  
15          ployed and do not qualify for (or have ceased to  
16          qualify for) unemployment compensation for the  
17          purpose of enabling such individuals to partici-  
18          pate in programs of training services under sub-  
19          section (c)(4).

20          (B) *ADDITIONAL ELIGIBILITY REQUIRE-*  
21          *MENTS.*—In addition to the requirements con-  
22          tained in subparagraph (A), a dislocated worker  
23          who has ceased to qualify for unemployment  
24          compensation may be eligible to receive needs-re-  
25          lated payments under this paragraph only if



1        *such worker was enrolled in the training serv-*  
 2        *ices—*

3                *(i) by the end of the 13th week after the*  
 4                *most recent layoff that resulted in a deter-*  
 5                *mination of the worker's eligibility for em-*  
 6                *ployment and training activities for dis-*  
 7                *located workers under this subtitle; or*

8                *(ii) if later, by the end of the 8th week*  
 9                *after the worker is informed that a short-*  
 10               *term layoff will exceed 6 months.*

11               *(C) LEVEL OF PAYMENTS.—The level of a*  
 12               *needs-related payment made to a dislocated*  
 13               *worker under this paragraph shall not exceed the*  
 14               *greater of—*

15               *(i) the applicable level of unemploy-*  
 16               *ment compensation; or*

17               *(ii) if such worker did not qualify for*  
 18               *unemployment compensation, an amount*  
 19               *equal to the poverty line, for an equivalent*  
 20               *period, which amount shall be adjusted to*  
 21               *reflect changes in total family income.*

22               *(4) INCUMBENT WORKER TRAINING PROGRAMS.—*

23               *(A) IN GENERAL.—*

24               *(i) STANDARD RESERVATION OF*  
 25               *FUNDS.—Except as provided in clause (ii),*

1           the local board may reserve and use not  
 2           more than 15 percent of the funds allocated  
 3           to the local area involved under section  
 4           233(b) to pay for the Federal share of the  
 5           cost of providing training through a train-  
 6           ing program for incumbent workers, carried  
 7           out in accordance with this paragraph.

8                   (ii)    INCREASED   RESERVATION   OF  
 9           FUNDS.—If the local board determines that  
 10          there is sufficient evidence that use of the  
 11          funds reserved under clause (i) led to em-  
 12          ployee retention by and contributed to cre-  
 13          ation of new jobs with employers that par-  
 14          ticipated in incumbent worker training pro-  
 15          grams, the local board may reserve and use  
 16          not more than a total of 20 percent of such  
 17          funds to pay for the Federal share of such  
 18          cost.

19                   (iii)   DETERMINATION   OF   ELIGI-  
 20          BILITY.—For the purpose of determining the  
 21          eligibility of an employer to receive funding  
 22          under clause (i), the local board shall take  
 23          into account factors consisting of—

24                           (I) the characteristics of the par-  
 25                           ticipants in the program;

1                   (II) *the relationship of the train-*  
2                   *ing to the competitiveness of a partici-*  
3                   *pant and the employer; and*

4                   (III) *such other factors as the*  
5                   *local board may determine to be ap-*  
6                   *propriate, which may include the num-*  
7                   *ber of employees participating in the*  
8                   *training, the wage and benefit levels of*  
9                   *those employees (at present and antici-*  
10                  *pated upon completion of the train-*  
11                  *ing), and the existence of other train-*  
12                  *ing and advancement opportunities*  
13                  *provided by the employer.*

14                  (iv) *STATEWIDE IMPACT.—The Gov-*  
15                  *ernor or State board involved may make*  
16                  *recommendations to the local board for pro-*  
17                  *viding incumbent worker training that has*  
18                  *statewide impact.*

19                  (B) *TRAINING ACTIVITIES.—The training*  
20                  *program for incumbent workers carried out*  
21                  *under this paragraph shall be carried out by the*  
22                  *local board in conjunction with the employers or*  
23                  *groups of employers of such workers (which may*  
24                  *include employers in partnership with other en-*  
25                  *tities for the purposes of delivering training) for*

1        *the purpose of assisting such workers in obtain-*  
2        *ing the skills necessary to retain employment or*  
3        *avert layoffs.*

4            (C) *EMPLOYER PAYMENT OF NON-FEDERAL*  
5        *SHARE.—Employers participating in the pro-*  
6        *gram carried out under this paragraph shall be*  
7        *required to pay for the non-Federal share of the*  
8        *cost of providing the training to incumbent*  
9        *workers of the employers.*

10          (D) *NON-FEDERAL SHARE.—*

11            (i) *FACTORS.—Subject to clause (ii),*  
12        *the local board shall establish the non-Fed-*  
13        *eral share of such cost (taking into consider-*  
14        *ation such other factors as the number of*  
15        *employees participating in the training, the*  
16        *wage and benefit levels of the employees (at*  
17        *the beginning and anticipated upon comple-*  
18        *tion of the training), the relationship of the*  
19        *training to the competitiveness of the em-*  
20        *ployer and employees, and the availability*  
21        *of other employer-provided training and ad-*  
22        *vancement opportunities.*

23            (ii) *LIMITS.—The non-Federal share*  
24        *shall not be less than—*

1                   (I) 10 percent of the cost, for em-  
 2                   ployers with not more than 50 employ-  
 3                   ees;

4                   (II) 25 percent of the cost, for em-  
 5                   ployers with more than 50 employees  
 6                   but not more than 100 employees; and

7                   (III) 50 percent of the cost, for  
 8                   employers with more than 100 employ-  
 9                   ees.

10                  (iii) *CALCULATION OF EMPLOYER*  
 11                  *SHARE.*—*The non-Federal share provided*  
 12                  *by an employer participating in the pro-*  
 13                  *gram may include the amount of the wages*  
 14                  *paid by the employer to a worker while the*  
 15                  *worker is attending a training program*  
 16                  *under this paragraph. The employer may*  
 17                  *provide the share in cash or in kind, fairly*  
 18                  *evaluated.*

19                  (5) *TRANSITIONAL JOBS.*—*The local board may*  
 20                  *use not more than 10 percent of the funds allocated*  
 21                  *to the local area involved under section 233(b) to pro-*  
 22                  *vide transitional jobs under subsection (c)(4) that—*  
 23                          *(A) are time-limited work experiences that*  
 24                          *are subsidized and are in the public, private, or*  
 25                          *nonprofit sectors for individuals with barriers to*

employment who are chronically unemployed or  
have an inconsistent work history;

(B) are combined with comprehensive em-  
ployment and supportive services; and

(C) are designed to assist the individuals  
described in subparagraph (A) to establish a  
work history, demonstrate success in the work-  
place, and develop the skills that lead to entry  
into and retention in unsubsidized employment.

## **CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS**

### **SEC. 236. AUTHORIZATION OF APPROPRIATIONS.**

(a) *YOUTH WORKFORCE INVESTMENT ACTIVITIES.*—  
There are authorized to be appropriated to carry out the  
activities described in section 227(a), such sums as may be  
necessary for each of fiscal years 2014 through 2018.

(b) *ADULT EMPLOYMENT AND TRAINING ACTI-  
TIES.*—There are authorized to be appropriated to carry out  
the activities described in section 232(a)(1), such sums as  
may be necessary for each of fiscal years 2014 through 2018.

(c) *DISLOCATED WORKER EMPLOYMENT AND TRAIN-  
ING ACTIVITIES.*—There are authorized to be appropriated  
to carry out the activities described in section 232(a)(2),  
such sums as may be necessary for each of fiscal years 2014  
through 2018.

## **Subtitle C—Job Corps**

### **SEC. 241. PURPOSES.**

*The purposes of this subtitle are—*

*(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—*

*(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—*

*(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or*

*(ii) enrollment in postsecondary education, including an apprenticeship program; and*

*(B) support responsible citizenship;*

*(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;*

1           (3) *to authorize the establishment of Job Corps*  
 2           *centers in which enrollees will participate in inten-*  
 3           *sive programs of activities described in this subtitle;*  
 4           *and*

5           (4) *to prescribe various other powers, duties, and*  
 6           *responsibilities incident to the operation and con-*  
 7           *tinuing development of the Job Corps.*

8   **SEC. 242. DEFINITIONS.**

9       *In this subtitle:*

10           (1) *APPLICABLE LOCAL BOARD.*—*The term “ap-*  
 11           *plicable local board” means a local board—*

12                   (A) *that provides information for a Job*  
 13                   *Corps center on local employment opportunities*  
 14                   *and the job skills needed to obtain the opportuni-*  
 15                   *ties; and*

16                   (B) *that serves communities in which the*  
 17                   *graduates of the Job Corps center seek employ-*  
 18                   *ment.*

19           (2) *APPLICABLE ONE-STOP CENTER.*—*The term*  
 20           *“applicable one-stop center” means a one-stop center*  
 21           *that provides services, such as referral, assessment, re-*  
 22           *cruitment, and placement, to support the purposes of*  
 23           *the Job Corps.*

24           (3) *ENROLLEE.*—*The term “enrollee” means an*  
 25           *individual who has voluntarily applied for, been se-*



1       lected for, and enrolled in the Job Corps program,  
2       and remains with the program, but has not yet be-  
3       come a graduate.

4               (4) *FORMER ENROLLEE*.—The term “former en-  
5       rollee” means an individual who has voluntarily ap-  
6       plied for, been selected for, and enrolled in the Job  
7       Corps program, but left the program prior to becom-  
8       ing a graduate.

9               (5) *GRADUATE*.—The term “graduate” means an  
10      individual who has voluntarily applied for, been se-  
11      lected for, and enrolled in the Job Corps program and  
12      who, as a result of participation in the Job Corps  
13      program, has received a secondary school diploma or  
14      recognized equivalent, or completed the requirements  
15      of a career and technical education and training pro-  
16      gram that prepares individuals for employment lead-  
17      ing to economic self-sufficiency or entrance into post-  
18      secondary education or training.

19              (6) *JOB CORPS*.—The term “Job Corps” means  
20      the Job Corps described in section 243.

21              (7) *JOB CORPS CENTER*.—The term “Job Corps  
22      center” means a center described in section 247.

23              (8) *OPERATOR*.—The term “operator” means an  
24      entity selected under this subtitle to operate a Job  
25      Corps center.

1           (9) *REGION*.—The term “region” means an area  
2       defined by the Secretary.

3           (10) *SERVICE PROVIDER*.—The term “service  
4       provider” means an entity selected under this subtitle  
5       to provide services described in this subtitle to a Job  
6       Corps center.

7       **SEC. 243. ESTABLISHMENT.**

8           There shall be within the Department of Labor a “Job  
9       Corps”.

10       **SEC. 244. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

11          (a) *IN GENERAL*.—To be eligible to become an enrollee,  
12       an individual shall be—

13               (1) not less than age 16 and not more than age  
14       21 on the date of enrollment, except that—

15                       (A) not more than 20 percent of the indi-  
16       viduals enrolled in the Job Corps may be not less  
17       than age 22 and not more than age 24 on the  
18       date of enrollment; and

19                       (B) either such maximum age limitation  
20       may be waived by the Secretary, in accordance  
21       with regulations of the Secretary, in the case of  
22       an individual with a disability;

23               (2) a low-income individual; and

24               (3) an individual who is one or more of the fol-  
25       lowing:

1                   (A) *Basic skills deficient.*

2                   (B) *A school dropout.*

3                   (C) *A homeless individual (as defined in*  
 4 *section 41403(6) of the Violence Against Women*  
 5 *Act of 1994 (42 U.S.C. 14043e–2(6)), except that*  
 6 *clauses (i)(IV) and (iii) of subparagraph (B) of*  
 7 *such section shall not apply), a homeless child or*  
 8 *youth (as defined in section 725(2) of the*  
 9 *McKinney-Vento Homeless Assistance Act (42*  
 10 *U.S.C. 11434a(2)), except that subparagraph*  
 11 *(B)(iv) of such section shall not apply), a run-*  
 12 *away, an individual in foster care, or an indi-*  
 13 *vidual who was in foster care and has aged out*  
 14 *of the foster care system.*

15                  (D) *A parent.*

16                  (E) *An individual who requires additional*  
 17 *education, career and technical education or*  
 18 *training, or workforce preparation skills to be*  
 19 *able to obtain and retain employment that leads*  
 20 *to economic self-sufficiency.*

21           (b) *SPECIAL RULE FOR VETERANS.—Notwithstanding*  
 22 *the requirement of subsection (a)(2), a veteran shall be eligi-*  
 23 *ble to become an enrollee under subsection (a) if the indi-*  
 24 *vidual—*

1           (1) *meets the requirements of paragraphs (1) and*  
 2           (3) *of such subsection; and*

3           (2) *does not meet the requirement of subsection*  
 4           (a)(2) *because the military income earned by such in-*  
 5           *dividual within the 6-month period prior to the indi-*  
 6           *vidual's application for Job Corps prevents the indi-*  
 7           *vidual from meeting such requirement.*

8   **SEC. 245. RECRUITMENT, SCREENING, SELECTION, AND AS-**  
 9           **SIGNMENT OF ENROLLEES.**

10          (a) *STANDARDS AND PROCEDURES.—*

11               (1) *IN GENERAL.—The Secretary shall prescribe*  
 12               *specific standards and procedures for the recruitment,*  
 13               *screening, and selection of eligible applicants for the*  
 14               *Job Corps, after considering recommendations from*  
 15               *Governors of States, local boards, and other interested*  
 16               *parties.*

17               (2) *METHODS.—In prescribing standards and*  
 18               *procedures under paragraph (1), the Secretary, at a*  
 19               *minimum, shall—*

20                       (A) *prescribe procedures for informing en-*  
 21                       *rollees that drug tests will be administered to the*  
 22                       *enrollees and the results received within 45 days*  
 23                       *after the enrollees enroll in the Job Corps;*

24                       (B) *establish standards for recruitment of*  
 25                       *Job Corps applicants;*

1           (C) establish standards and procedures  
2           for—

3                   (i) determining, for each applicant,  
4                   whether the educational and career and  
5                   technical education and training needs of  
6                   the applicant can best be met through the  
7                   Job Corps program or an alternative pro-  
8                   gram in the community in which the appli-  
9                   cant resides; and

10                   (ii) obtaining from each applicant per-  
11                   tinent data relating to background, needs,  
12                   and interests for determining eligibility and  
13                   potential assignment;

14           (D) where appropriate, take measures to  
15           improve the professional capability of the indi-  
16           viduals conducting screening of the applicants;  
17           and

18           (E) assure appropriate representation of en-  
19           rollees from urban areas and from rural areas.

20           (3) IMPLEMENTATION.—To the extent prac-  
21           ticable, the standards and procedures shall be imple-  
22           mented through arrangements with—

23                   (A) applicable one-stop centers;

24                   (B) community action agencies, business or-  
25                   ganizations, and labor organizations;

1           (C) agencies and individuals that have con-  
 2           tact with youth over substantial periods of time  
 3           and are able to offer reliable information about  
 4           the needs and problems of youth; and

5           (D) child welfare agencies that are respon-  
 6           sible for children in foster care and children eli-  
 7           gible for assistance under section 477 of the So-  
 8           cial Security Act (42 U.S.C. 677).

9           (4) CONSULTATION.—The standards and proce-  
 10          dures shall provide for necessary consultation with in-  
 11          dividuals and organizations, including court, proba-  
 12          tion, parole, law enforcement, education, welfare, and  
 13          medical authorities and advisers.

14          (5) REIMBURSEMENT.—The Secretary is author-  
 15          ized to enter into contracts with and make payments  
 16          to individuals and organizations for the cost of con-  
 17          ducting recruitment, screening, and selection of eligi-  
 18          ble applicants for the Job Corps, as provided for in  
 19          this section. The Secretary shall make no payment to  
 20          any individual or organization solely as compensa-  
 21          tion for referring the names of applicants for the Job  
 22          Corps.

23          (b) SPECIAL LIMITATIONS ON SELECTION.—

24               (1) IN GENERAL.—No individual shall be selected  
 25          as an enrollee unless the individual or organization

1       *implementing the standards and procedures described*  
2       *in subsection (a) determines that—*

3               *(A) there is a reasonable expectation that*  
4               *the individual considered for selection can par-*  
5               *ticipate successfully in group situations and ac-*  
6               *tivities, and is not likely to engage in behavior*  
7               *that would prevent other enrollees from receiving*  
8               *the benefit of the Job Corps program or be in-*  
9               *compatible with the maintenance of sound dis-*  
10              *cipline and satisfactory relationships between the*  
11              *Job Corps center to which the individual might*  
12              *be assigned and communities surrounding the*  
13              *Job Corps center;*

14              *(B) the individual manifests a basic under-*  
15              *standing of both the rules to which the indi-*  
16              *vidual will be subject and of the consequences of*  
17              *failure to observe the rules, and agrees to comply*  
18              *with such rules; and*

19              *(C) the individual has passed a background*  
20              *check conducted in accordance with procedures*  
21              *established by the Secretary.*

22       (2) *INDIVIDUALS ON PROBATION, PAROLE, OR SU-*  
23       *PERVISED RELEASE.—An individual on probation,*  
24       *parole, or supervised release may be selected as an en-*  
25       *rollee only if release from the supervision of the pro-*

1      *bation or parole official involved is satisfactory to the*  
 2      *official and the Secretary and does not violate appli-*  
 3      *cable laws (including regulations). No individual*  
 4      *shall be denied a position in the Job Corps solely on*  
 5      *the basis of individual contact with the criminal jus-*  
 6      *tice system.*

7      *(c) ASSIGNMENT PLAN.—*

8            *(1) IN GENERAL.—Every 2 years, the Secretary*  
 9      *shall develop and implement a plan for assigning en-*  
 10     *rollees to Job Corps centers. In developing the plan,*  
 11     *the Secretary shall, based on the analysis described in*  
 12     *paragraph (2), establish targets, applicable to each*  
 13     *Job Corps center, for—*

14            *(A) the maximum attainable percentage of*  
 15     *enrollees at the Job Corps center that reside in*  
 16     *the State in which the center is located; and*

17            *(B) the maximum attainable percentage of*  
 18     *enrollees at the Job Corps center that reside in*  
 19     *the region in which the center is located, and in*  
 20     *surrounding regions.*

21            *(2) ANALYSIS.—In order to develop the plan de-*  
 22     *scribed in paragraph (1), every 2 years the Secretary,*  
 23     *in consultation with operators of Job Corps centers,*  
 24     *shall analyze relevant factors relating to each Job*  
 25     *Corps center, including—*



1           (A) the size of the population of individuals  
 2           eligible to participate in Job Corps in the State  
 3           and region in which the Job Corps center is lo-  
 4           cated, and in surrounding regions;

5           (B) the relative demand for participation in  
 6           the Job Corps in the State and region, and in  
 7           surrounding regions;

8           (C) the capacity and utilization of the Job  
 9           Corps center, including the education, training,  
 10          and supportive services provided through the cen-  
 11          ter; and

12          (D) the performance of the Job Corps center  
 13          relating to the expected levels of performance for  
 14          the indicators described in section 259(c)(1), and  
 15          whether any actions have been taken with respect  
 16          to such center pursuant to paragraphs (2) and  
 17          (3) of section 259(f).

18          (d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

19           (1) IN GENERAL.—After an individual has been  
 20          selected for the Job Corps in accordance with the  
 21          standards and procedures of the Secretary under sub-  
 22          section (a), the enrollee shall be assigned to the Job  
 23          Corps center that offers the type of career and tech-  
 24          nical education and training selected by the indi-  
 25          vidual and, among the centers that offer such edu-

1 cation and training, is closest to the home of the indi-  
 2 vidual. The Secretary may waive this requirement  
 3 if—

4 (A) the enrollee would be unduly delayed in  
 5 participating in the Job Corps program because  
 6 the closest center is operating at full capacity; or

7 (B) the parent or guardian of the enrollee  
 8 requests assignment of the enrollee to another Job  
 9 Corps center due to circumstances in the commu-  
 10 nity of the enrollee that would impair prospects  
 11 for successful participation in the Job Corps pro-  
 12 gram.

13 (2) *ENROLLEES WHO ARE YOUNGER THAN 18.*—

14 An enrollee who is younger than 18 shall not be as-  
 15 signed to a Job Corps center other than the center  
 16 closest to the home that offers the career and technical  
 17 education and training desired by the enrollee pursu-  
 18 ant to paragraph (1) if the parent or guardian of the  
 19 enrollee objects to the assignment.

20 **SEC. 246. ENROLLMENT.**

21 (a) *RELATIONSHIP BETWEEN ENROLLMENT AND MILI-*  
 22 *TARY OBLIGATIONS.*—Enrollment in the Job Corps shall  
 23 not relieve any individual of obligations under the Military  
 24 Selective Service Act (50 U.S.C. App. 451 et seq.).

1       (b) *PERIOD OF ENROLLMENT.*—No individual may be  
2 enrolled in the Job Corps for more than 2 years, except—

3           (1) in a case in which completion of an ad-  
4 vanced career training program under section 248(c)  
5 would require an individual to participate in the Job  
6 Corps for not more than one additional year;

7           (2) in the case of an individual with a disability  
8 who would reasonably be expected to meet the stand-  
9 ards for a Job Corps graduate, as defined under sec-  
10 tion 242(5), if allowed to participate in the Job Corps  
11 for not more than 1 additional year;

12           (3) in the case of an individual who participates  
13 in national service, as authorized by a Civilian Con-  
14 servation Center program, who would be granted an  
15 enrollment extension in the Job Corps for the amount  
16 of time equal to the period of national service; or

17           (4) as the Secretary may authorize in a special  
18 case.

19 **SEC. 247. JOB CORPS CENTERS.**

20       (a) *OPERATORS AND SERVICE PROVIDERS.*—

21           (1) *ELIGIBLE ENTITIES.*—

22           (A) *OPERATORS.*—The Secretary shall enter  
23 into an agreement with a Federal, State, or local  
24 agency, an area career and technical education  
25 school, a residential career and technical edu-

1            *cation school, or a private organization, for the*  
2            *operation of each Job Corps center.*

3            *(B) PROVIDERS.—The Secretary may enter*  
4            *into an agreement with a local entity, or other*  
5            *entity with the necessary capacity, to provide ac-*  
6            *tivities described in this subtitle to a Job Corps*  
7            *center.*

8            *(2) SELECTION PROCESS.—*

9            *(A) COMPETITIVE BASIS.—Except as pro-*  
10           *vided in subsections (a) and (b) of section 3304*  
11           *of title 41, United States Code, the Secretary*  
12           *shall select on a competitive basis an entity to*  
13           *operate a Job Corps center and entities to pro-*  
14           *vide activities described in this subtitle to the*  
15           *Job Corps center. In developing a solicitation for*  
16           *an operator or service provider, the Secretary*  
17           *shall consult with the Governor of the State in*  
18           *which the center is located, the industry council*  
19           *for the Job Corps center (if established), and the*  
20           *applicable local board regarding the contents of*  
21           *such solicitation, including elements that will*  
22           *promote the consistency of the activities carried*  
23           *out through the center with the objectives set*  
24           *forth in the State plan or in a local plan.*

1                   (B) *RECOMMENDATIONS AND CONSIDER-*  
 2                   *ATIONS.*—

3                   (i) *OPERATORS.*—*In selecting an enti-*  
 4                   *ty to operate a Job Corps center, the Sec-*  
 5                   *retary shall consider—*

6                   (I) *the ability of the entity to co-*  
 7                   *ordinate the activities carried out*  
 8                   *through the Job Corps center with ac-*  
 9                   *tivities carried out under the appro-*  
 10                  *priate State plan and local plans;*

11                  (II) *the degree to which the career*  
 12                  *and technical education and training*  
 13                  *that the entity proposes for the center*  
 14                  *reflects employment opportunities in*  
 15                  *the local areas in which enrollees at the*  
 16                  *center intend to seek employment;*

17                  (III) *the degree to which the enti-*  
 18                  *ty demonstrates relationships with the*  
 19                  *surrounding communities, employers,*  
 20                  *labor organizations, State boards, local*  
 21                  *boards, applicable one-stop centers, and*  
 22                  *the State and region in which the cen-*  
 23                  *ter is located; and*

24                  (IV) *the performance of the entity,*  
 25                  *if any, relating to operating or pro-*

1                    *viding activities described in this sub-*  
 2                    *title to a Job Corps center, including*  
 3                    *the entity's demonstrated effectiveness*  
 4                    *in assisting individuals in achieving*  
 5                    *the primary indicators of performance*  
 6                    *for eligible youth described in section*  
 7                    *131(b)(2)(A)(ii).*

8                    *(ii) PROVIDERS.—In selecting a service*  
 9                    *provider for a Job Corps center, the Sec-*  
 10                    *retary shall consider the factors described in*  
 11                    *subclauses (I) through (IV) of clause (i), as*  
 12                    *appropriate.*

13            *(b) CHARACTER AND ACTIVITIES.—Job Corps centers*  
 14            *may be residential or nonresidential in character, and shall*  
 15            *be designed and operated so as to provide enrollees, in a*  
 16            *well-supervised setting, with access to activities described*  
 17            *in this subtitle. In any year, no more than 20 percent of*  
 18            *the individuals enrolled in the Job Corps may be nonresi-*  
 19            *dential participants in the Job Corps.*

20            *(c) CIVILIAN CONSERVATION CENTERS.—*

21                    *(1) IN GENERAL.—The Job Corps centers may*  
 22                    *include Civilian Conservation Centers, operated*  
 23                    *under an agreement between the Secretary of Labor*  
 24                    *and the Secretary of Agriculture, that are located pri-*  
 25                    *marily in rural areas. Such centers shall provide, in*

1     *addition to academics, career and technical education*  
2     *and training, and workforce preparation skills train-*  
3     *ing, programs of work experience to conserve, develop,*  
4     *or manage public natural resources or public rec-*  
5     *reational areas or to develop community projects in*  
6     *the public interest.*

7           (2) *ASSISTANCE DURING DISASTERS.—Enrollees*  
8     *in Civilian Conservation Centers may provide assist-*  
9     *ance in addressing national, State, and local disas-*  
10    *ters, consistent with current child labor laws (includ-*  
11    *ing regulations). The Secretary of Agriculture shall*  
12    *ensure that with respect to the provision of such as-*  
13    *sistance the enrollees are properly trained, equipped,*  
14    *supervised, and dispatched consistent with standards*  
15    *for the conservation and rehabilitation of wildlife es-*  
16    *tablished under the Fish and Wildlife Coordination*  
17    *Act (16 U.S.C. 661 et seq.).*

18           (3) *NATIONAL LIAISON.—The Secretary of Agri-*  
19    *culture shall designate a Job Corps National Liaison*  
20    *to support the agreement under this section between*  
21    *the Departments of Labor and Agriculture.*

22    (d) *INDIAN TRIBES.—*

23           (1) *GENERAL AUTHORITY.—The Secretary may*  
24    *enter into agreements with Indian tribes to operate*  
25    *Job Corps centers for Indians.*

1           (2) *DEFINITIONS.—In this subsection, the terms*  
 2           *“Indian” and “Indian tribe” have the meanings*  
 3           *given such terms in subsections (d) and (e), respec-*  
 4           *tively, of section 4 of the Indian Self-Determination*  
 5           *and Education Assistance Act (25 U.S.C. 450b).*

6 **SEC. 248. PROGRAM ACTIVITIES.**

7           (a) *ACTIVITIES PROVIDED BY JOB CORPS CENTERS.—*

8           (1) *IN GENERAL.—Each Job Corps center shall*  
 9           *provide enrollees with an intensive, well organized,*  
 10           *and fully supervised program of education, including*  
 11           *English language acquisition programs, career and*  
 12           *technical education and training, work experience,*  
 13           *work-based learning, recreational activities, physical*  
 14           *rehabilitation and development, driver’s education,*  
 15           *and counseling, which may include information about*  
 16           *financial literacy. Each Job Corps center shall pro-*  
 17           *vide enrollees assigned to the center with access to*  
 18           *core services described in section 234(c)(2) and the in-*  
 19           *tensive services described in section 234(c)(3).*

20           (2) *RELATIONSHIP TO OPPORTUNITIES.—The ac-*  
 21           *tivities provided under this subsection shall be tar-*  
 22           *geted to helping enrollees, on completion of their en-*  
 23           *rollment—*

24                       (A) *secure and maintain meaningful unsub-*  
 25                       *sidized employment;*



1           (B) enroll in and complete secondary edu-  
 2           cation or postsecondary education or training  
 3           programs, including other suitable career and  
 4           technical education and training, and appren-  
 5           ticeship programs; or

6           (C) satisfy Armed Forces requirements.

7           (3) *LINK TO EMPLOYMENT OPPORTUNITIES.*—  
 8           The career and technical education and training pro-  
 9           vided shall be linked to the employment opportunities  
 10          in the local area in which the enrollee intends to seek  
 11          employment after graduation.

12          (b) *ACADEMIC AND CAREER AND TECHNICAL EDU-*  
 13          *CATION AND TRAINING.*—The Secretary may arrange for ca-  
 14          reer and technical education and training of enrollees  
 15          through local public or private educational agencies, career  
 16          and technical educational institutions, technical institutes,  
 17          or national service providers, whenever such entities provide  
 18          education and training substantially equivalent in cost and  
 19          quality to that which the Secretary could provide through  
 20          other means.

21          (c) *ADVANCED CAREER TRAINING PROGRAMS.*—

22               (1) *IN GENERAL.*—The Secretary may arrange  
 23          for programs of advanced career training for selected  
 24          enrollees in which the enrollees may continue to par-  
 25          ticipate for a period of not to exceed 1 year in addi-

1        *tion to the period of participation to which the enroll-*  
2        *ees would otherwise be limited. The advanced career*  
3        *training may be provided through the eligible pro-*  
4        *viders of training services identified under section*  
5        *222.*

6                (2) *BENEFITS.*—*During the period of participa-*  
7        *tion in an advanced career training program, an en-*  
8        *rollee shall be eligible for full Job Corps benefits, or*  
9        *a monthly stipend equal to the average value of the*  
10       *residential support, food, allowances, and other bene-*  
11       *fits provided to enrollees assigned to residential Job*  
12       *Corps centers.*

13               (3) *DEMONSTRATION.*—*The Secretary shall de-*  
14       *velop standards by which any operator seeking to en-*  
15       *roll additional enrollees in an advanced career train-*  
16       *ing program shall demonstrate that participants in*  
17       *such program have achieved a satisfactory rate of*  
18       *completion and placement in training-related jobs be-*  
19       *fore the operator may carry out such additional en-*  
20       *rollment.*

21               (d) *GRADUATE SERVICES.*—*In order to promote the re-*  
22       *tention of graduates in employment or postsecondary edu-*  
23       *cation, the Secretary shall arrange for the provision of job*  
24       *placement and support services to graduates for up to 12*  
25       *months after the date of graduation. Multiple resources, in-*

1 *cluding one-stop partners, may support the provision of*  
2 *these services, including services from the State vocational*  
3 *rehabilitation agency to supplement job placement and job*  
4 *development efforts for Job Corps graduates who are indi-*  
5 *viduals with disabilities.*

6 (e) *CHILD CARE.*—*The Secretary shall, to the extent*  
7 *practicable, provide child care at or near Job Corps centers,*  
8 *for individuals who require child care for their children in*  
9 *order to participate in the Job Corps.*

10 **SEC. 249. COUNSELING AND JOB PLACEMENT.**

11 (a) *ASSESSMENT AND COUNSELING.*—*The Secretary*  
12 *shall arrange for assessment and counseling for each en-*  
13 *rollee at regular intervals to measure progress in the aca-*  
14 *demic and career and technical education and training pro-*  
15 *grams carried out through the Job Corps.*

16 (b) *PLACEMENT.*—*The Secretary shall arrange for as-*  
17 *essment and counseling for enrollees prior to their sched-*  
18 *uled graduations to determine their capabilities and, based*  
19 *on their capabilities, shall make every effort to arrange to*  
20 *place the enrollees in employment leading to economic self-*  
21 *sufficiency for which the enrollees are trained or to assist*  
22 *the enrollees in participating in further activities described*  
23 *in this subtitle. In arranging for the placement of graduates*  
24 *in jobs, the Secretary shall utilize the one-stop delivery sys-*  
25 *tem to the maximum extent practicable.*

1       (c) *STATUS AND PROGRESS.*—*The Secretary shall de-*  
 2 *termine the status and progress of enrollees scheduled for*  
 3 *graduation and make every effort to assure that their needs*  
 4 *for further activities described in this subtitle are met.*

5       (d) *SERVICES TO FORMER ENROLLEES.*—*The Sec-*  
 6 *retary may provide such services as the Secretary deter-*  
 7 *mines to be appropriate under this subtitle to former enroll-*  
 8 *ees.*

9   **SEC. 250. SUPPORT.**

10       (a) *PERSONAL ALLOWANCES.*—*The Secretary may*  
 11 *provide enrollees assigned to Job Corps centers with such*  
 12 *personal allowances as the Secretary may determine to be*  
 13 *necessary or appropriate to meet the needs of the enrollees.*

14       (b) *TRANSITION ALLOWANCES.*—*The Secretary shall*  
 15 *arrange for a transition allowance to be paid to graduates.*  
 16 *The transition allowance shall be incentive-based to reflect*  
 17 *a graduate's completion of academic, career and technical*  
 18 *education or training, and attainment of recognized post-*  
 19 *secondary credentials.*

20       (c) *TRANSITION SUPPORT.*—*The Secretary may ar-*  
 21 *range for the provision of 3 months of employment services*  
 22 *for former enrollees.*

23   **SEC. 251. OPERATING PLAN.**

24       (a) *IN GENERAL.*—*The provisions of the contract be-*  
 25 *tween the Secretary and an entity selected to operate a Job*

1 Corps center shall, at a minimum, serve as an operating  
2 plan for the Job Corps center.

3 (b) *ADDITIONAL INFORMATION.*—The Secretary may  
4 require the operator, in order to remain eligible to operate  
5 the Job Corps center, to submit such additional information  
6 as the Secretary may require, which shall be considered  
7 part of the operating plan.

8 (c) *AVAILABILITY.*—The Secretary shall make the oper-  
9 ating plan described in subsections (a) and (b), excluding  
10 any proprietary information, available to the public.

11 **SEC. 252. STANDARDS OF CONDUCT.**

12 (a) *PROVISION AND ENFORCEMENT.*—The Secretary  
13 shall provide, and directors of Job Corps centers shall strin-  
14 gently enforce, standards of conduct within the centers.  
15 Such standards of conduct shall include provisions forbid-  
16 ding the actions described in subsection (b)(2)(A).

17 (b) *DISCIPLINARY MEASURES.*—

18 (1) *IN GENERAL.*—To promote the proper behav-  
19 ioral standards in the Job Corps, the directors of Job  
20 Corps centers shall have the authority to take appro-  
21 priate disciplinary measures against enrollees if such  
22 a director determines that an enrollee has committed  
23 a violation of the standards of conduct. The director  
24 shall dismiss the enrollee from the Job Corps if the di-  
25 rector determines that the retention of the enrollee in

1     *the Job Corps will jeopardize the enforcement of such*  
 2     *standards, threaten the safety of staff, students, or the*  
 3     *local community, or diminish the opportunities of*  
 4     *other enrollees.*

5           (2) *ZERO TOLERANCE POLICY AND DRUG TEST-*  
 6     *ING.—*

7           (A) *GUIDELINES.—The Secretary shall*  
 8     *adopt guidelines establishing a zero tolerance*  
 9     *policy for an act of violence, for use, sale, or pos-*  
 10    *session of a controlled substance, for abuse of al-*  
 11    *cohol, or for other illegal or disruptive activity.*

12          (B) *DRUG TESTING.—The Secretary shall*  
 13    *require drug testing of all enrollees for controlled*  
 14    *substances in accordance with procedures pre-*  
 15    *scribed by the Secretary under section 245(a).*

16          (C) *DEFINITIONS.—In this paragraph:*

17           (i) *CONTROLLED SUBSTANCE.—The*  
 18    *term “controlled substance” has the mean-*  
 19    *ing given the term in section 102 of the*  
 20    *Controlled Substances Act (21 U.S.C. 802).*

21           (ii) *ZERO TOLERANCE POLICY.—The*  
 22    *term “zero tolerance policy” means a policy*  
 23    *under which an enrollee shall be automati-*  
 24    *cally dismissed from the Job Corps after a*  
 25    *determination by the director that the en-*

1                   rollee has carried out an action described in  
2                   subparagraph (A).

3           (c) *APPEAL*.—A disciplinary measure taken by a di-  
4   rector under this section shall be subject to expeditious ap-  
5   peal in accordance with procedures established by the Sec-  
6   retary.

7   **SEC. 253. COMMUNITY PARTICIPATION.**

8           (a) *BUSINESS AND COMMUNITY PARTICIPATION*.—The  
9   director of each Job Corps center shall ensure the establish-  
10   ment and development of the business and community rela-  
11   tionships and networks described in subsection (b) in order  
12   to enhance the effectiveness of such centers.

13          (b) *NETWORKS*.—The activities carried out by each  
14   Job Corps center under this section shall include—

15               (1) establishing and developing relationships and  
16       networks with—

17                       (A) local and distant employers, to the ex-  
18                       tent practicable, in coordination with entities  
19                       carrying out other Federal and non-Federal pro-  
20                       grams that conduct similar outreach to employ-  
21                       ers;

22                       (B) applicable one-stop centers and applica-  
23                       ble local boards, for the purpose of providing—

24                               (i) information to, and referral of, po-  
25                               tential enrollees; and

1                   (ii) job opportunities for Job Corps  
2                   graduates; and

3                   (C)(i) entities carrying out relevant appren-  
4                   ticeship programs and youth programs;

5                   (ii) labor-management organizations and  
6                   local labor organizations;

7                   (iii) employers and contractors that support  
8                   national training contractor programs; and

9                   (iv) community-based organizations, non-  
10                  profit organizations, and intermediaries pro-  
11                  viding workforce development-related services;  
12                  and

13               (2) establishing and developing relationships  
14               with members of the community in which the Job  
15               Corps center is located, informing members of the  
16               community about the projects of the Job Corps center  
17               and changes in the rules, procedures, or activities of  
18               the center that may affect the community, and plan-  
19               ning events of mutual interest to the community and  
20               the Job Corps center.

21               (c) *NEW CENTERS*.—The director of a Job Corps center  
22               that is not yet operating shall ensure the establishment and  
23               development of the relationships and networks described in  
24               subsection (b) at least 3 months prior to the date on which  
25               the center accepts the first enrollee at the center.



1 **SEC. 254. INDUSTRY COUNCILS.**

2       (a) *IN GENERAL.*—Each Job Corps center shall have  
3 an industry council, appointed by the director of the center,  
4 in accordance with procedures established by the Secretary.

5       (b) *INDUSTRY COUNCIL COMPOSITION.*—

6           (1) *IN GENERAL.*—An industry council shall be  
7 comprised of—

8           (A) a majority of members who shall be  
9 owners of business concerns, chief executives or  
10 chief operating officers of nongovernmental em-  
11 ployers, or other private sector employers, who—

12           (i) have substantial management, hir-  
13 ing, or policy responsibility; and

14           (ii) represent businesses with employ-  
15 ment opportunities that reflect the employ-  
16 ment opportunities of the applicable local  
17 areas in which enrollees will be seeking em-  
18 ployment;

19           (B) representatives of labor organizations  
20 (where present) and representatives of employees;  
21 and

22           (C) enrollees and graduates of the Job  
23 Corps.

24       (2) *LOCAL BOARD.*—The industry council may  
25 include members of the applicable local boards who  
26 meet the requirements described in paragraph (1).

1           (3) *EMPLOYERS OUTSIDE OF LOCAL AREA.*—The  
 2           industry council for a Job Corps center may include,  
 3           or otherwise provide for consultation with, employers  
 4           from outside the local area who are likely to hire a  
 5           significant number of enrollees from the Job Corps  
 6           center.

7           (4) *SPECIAL RULE FOR SINGLE STATE LOCAL*  
 8           *AREAS.*—In the case of a single State local area des-  
 9           ignated under section 116(b), the industry council  
 10          shall include a representative of the State Board.

11          (c) *RESPONSIBILITIES.*—The responsibilities of the in-  
 12       dustry council shall be—

13               (1) *to work closely with all applicable local*  
 14               boards in order to determine, and recommend to the  
 15               Secretary, appropriate career and technical education  
 16               and training for the center;

17               (2) *to review all the relevant labor market infor-*  
 18               mation to—

19                       (A) *determine the employment opportunities*  
 20                       *in the local areas in which the enrollees intend*  
 21                       *to seek employment after graduation;*

22                       (B) *determine the skills and education that*  
 23                       *are necessary to obtain the employment opportu-*  
 24                       *nities; and*

1           (C) recommend to the Secretary the type of  
2           career and technical education and training that  
3           should be implemented at the center to enable the  
4           enrollees to obtain the employment opportunities;  
5           and

6           (3) to meet at least once every 6 months to re-  
7           evaluate the labor market information, and other rel-  
8           evant information, to determine, and recommend to  
9           the Secretary, any necessary changes in the career  
10          and technical education and training provided at the  
11          center.

12          (d) *NEW CENTERS.*—The industry council for a Job  
13          Corps center that is not yet operating shall carry out the  
14          responsibilities described in subsection (c) at least 3 months  
15          prior to the date on which the center accepts the first en-  
16          rollee at the center.

17          **SEC. 255. ADVISORY COMMITTEES.**

18          The Secretary may establish and use advisory commit-  
19          tees in connection with the operation of the Job Corps pro-  
20          gram, and the operation of Job Corps centers, whenever the  
21          Secretary determines that the availability of outside advice  
22          and counsel on a regular basis would be of substantial ben-  
23          efit in identifying and overcoming problems, in planning  
24          program or center development, or in strengthening rela-

1 *tionships between the Job Corps and agencies, institutions,*  
 2 *or groups engaged in related activities.*

3 **SEC. 256. EXPERIMENTAL, RESEARCH, AND DEMONSTRATION PROJECTS.**  
 4

5 *The Secretary may carry out experimental, research,*  
 6 *or demonstration projects relating to carrying out the Job*  
 7 *Corps program. The Secretary may waive any provisions*  
 8 *of this subtitle that the Secretary finds would prevent the*  
 9 *Secretary from carrying out the projects if the Secretary*  
 10 *informs the Committee on Education and the Workforce of*  
 11 *the House of Representatives and the Committee on Health,*  
 12 *Education, Labor, and Pensions of the Senate, in writing,*  
 13 *not less than 90 days in advance of issuing such waiver.*

14 **SEC. 257. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

15 *(a) ENROLLEES NOT CONSIDERED TO BE FEDERAL*  
 16 *EMPLOYEES.—*

17 *(1) IN GENERAL.—Except as otherwise provided*  
 18 *in this subsection and in section 8143(a) of title 5,*  
 19 *United States Code, enrollees shall not be considered*  
 20 *to be Federal employees and shall not be subject to the*  
 21 *provisions of law relating to Federal employment, in-*  
 22 *cluding such provisions regarding hours of work, rates*  
 23 *of compensation, leave, unemployment compensation,*  
 24 *and Federal employee benefits.*

1           (2) *PROVISIONS RELATING TO TAXES AND SOCIAL*  
2           *SECURITY BENEFITS.*—*For purposes of the Internal*  
3           *Revenue Code of 1986 and title II of the Social Secu-*  
4           *rity Act (42 U.S.C. 401 et seq.), enrollees shall be*  
5           *deemed to be employees of the United States and any*  
6           *service performed by an individual as an enrollee*  
7           *shall be deemed to be performed in the employ of the*  
8           *United States.*

9           (3) *PROVISIONS RELATING TO COMPENSATION TO*  
10          *FEDERAL EMPLOYEES FOR WORK INJURIES.*—*For*  
11          *purposes of subchapter I of chapter 81 of title 5,*  
12          *United States Code (relating to compensation to Fed-*  
13          *eral employees for work injuries), enrollees shall be*  
14          *deemed to be civil employees of the Government of the*  
15          *United States within the meaning of the term “em-*  
16          *ployee” as defined in section 8101 of title 5, United*  
17          *States Code, and the provisions of such subchapter*  
18          *shall apply as specified in section 8143(a) of title 5,*  
19          *United States Code.*

20          (4) *FEDERAL TORT CLAIMS PROVISIONS.*—*For*  
21          *purposes of the Federal tort claims provisions in title*  
22          *28, United States Code, enrollees shall be considered*  
23          *to be employees of the Government.*

24          (b) *ADJUSTMENTS AND SETTLEMENTS.*—*Whenever the*  
25          *Secretary finds a claim for damages to a person or property*

1 *resulting from the operation of the Job Corps to be a proper*  
 2 *charge against the United States, and the claim is not cog-*  
 3 *nizable under section 2672 of title 28, United States Code,*  
 4 *the Secretary may adjust and settle the claim in an amount*  
 5 *not exceeding \$1,500.*

6 (c) *PERSONNEL OF THE UNIFORMED SERVICES.—Per-*  
 7 *sonnel of the uniformed services who are detailed or as-*  
 8 *signed to duty in the performance of agreements made by*  
 9 *the Secretary for the support of the Job Corps shall not be*  
 10 *counted in computing strength under any law limiting the*  
 11 *strength of such services or in computing the percentage au-*  
 12 *thorized by law for any grade in such services.*

13 **SEC. 258. SPECIAL PROVISIONS.**

14 (a) *ENROLLMENT.—The Secretary shall ensure that*  
 15 *women and men have an equal opportunity to participate*  
 16 *in the Job Corps program, consistent with section 245.*

17 (b) *STUDIES, EVALUATIONS, PROPOSALS, AND*  
 18 *DATA.—The Secretary shall assure that all studies, evalua-*  
 19 *tions, proposals, and data produced or developed with Fed-*  
 20 *eral funds in the course of carrying out the Job Corps pro-*  
 21 *gram shall become the property of the United States.*

22 (c) *TRANSFER OF PROPERTY.—*

23 (1) *IN GENERAL.—Notwithstanding chapter 5 of*  
 24 *title 40, United States Code, and any other provision*  
 25 *of law, the Secretary and the Secretary of Education*

1        *shall receive priority by the Secretary of Defense for*  
2        *the direct transfer, on a nonreimbursable basis, of the*  
3        *property described in paragraph (2) for use in car-*  
4        *rying out programs under this Act or under any*  
5        *other Act.*

6            (2) *PROPERTY.—The property described in this*  
7        *paragraph is real and personal property under the*  
8        *control of the Department of Defense that is not used*  
9        *by such Department, including property that the Sec-*  
10       *retary of Defense determines is in excess of current*  
11       *and projected requirements of such Department.*

12          (d) *GROSS RECEIPTS.—Transactions conducted by a*  
13       *private for-profit or nonprofit entity that is an operator*  
14       *or service provider for a Job Corps center shall not be con-*  
15       *sidered to be generating gross receipts. Such an operator*  
16       *or service provider shall not be liable, directly or indirectly,*  
17       *to any State or subdivision of a State (nor to any person*  
18       *acting on behalf of such a State or subdivision) for any*  
19       *gross receipts taxes, business privilege taxes measured by*  
20       *gross receipts, or any similar taxes imposed on, or meas-*  
21       *ured by, gross receipts in connection with any payments*  
22       *made to or by such entity for operating or providing serv-*  
23       *ices to a Job Corps center. Such an operator or service pro-*  
24       *vider shall not be liable to any State or subdivision of a*  
25       *State to collect or pay any sales, excise, use, or similar tax*

1 *imposed on the sale to or use by such operator or service*  
 2 *provider of any property, service, or other item in connec-*  
 3 *tion with the operation of or provision of services to a Job*  
 4 *Corps center.*

5       (e) *MANAGEMENT FEE.*—*The Secretary shall provide*  
 6 *each operator and (in an appropriate case, as determined*  
 7 *by the Secretary) service provider with an equitable and*  
 8 *negotiated management fee of not less than 1 percent of the*  
 9 *amount of the funding provided under the appropriate*  
 10 *agreement specified in section 247.*

11       (f) *DONATIONS.*—*The Secretary may accept on behalf*  
 12 *of the Job Corps or individual Job Corps centers charitable*  
 13 *donations of cash or other assistance, including equipment*  
 14 *and materials, if such donations are available for appro-*  
 15 *priate use for the purposes set forth in this subtitle.*

16       (g) *SALE OF PROPERTY.*—*Notwithstanding any other*  
 17 *provision of law, if the Administrator of General Services*  
 18 *sells a Job Corps center facility, the Administrator shall*  
 19 *transfer the proceeds from the sale to the Secretary, who*  
 20 *shall use the proceeds to carry out the Job Corps program.*

21 **SEC. 259. MANAGEMENT INFORMATION.**

22       (a) *FINANCIAL MANAGEMENT INFORMATION SYS-*  
 23 *TEM.*—

24               (1) *IN GENERAL.*—*The Secretary shall establish*  
 25 *procedures to ensure that each operator, and each*



1     *service provider, maintains a financial management*  
2     *information system that will provide—*

3             *(A) accurate, complete, and current disclo-*  
4             *tures of the costs of Job Corps operations; and*

5             *(B) sufficient data for the effective evalua-*  
6             *tion of activities carried out through the Job*  
7             *Corps program.*

8             *(2) ACCOUNTS.—Each operator and service pro-*  
9             *vider shall maintain funds received under this sub-*  
10            *title in accounts in a manner that ensures timely and*  
11            *accurate reporting as required by the Secretary.*

12            *(3) FISCAL RESPONSIBILITY.—Operators shall*  
13            *remain fiscally responsible and control costs, regard-*  
14            *less of whether the funds made available for Job Corps*  
15            *centers are incrementally increased or decreased be-*  
16            *tween fiscal years.*

17            *(b) AUDIT.—*

18            *(1) ACCESS.—The Secretary, the Inspector Gen-*  
19            *eral of the Department of Labor, the Comptroller Gen-*  
20            *eral of the United States, and any of their duly au-*  
21            *thorized representatives, shall have access to any*  
22            *books, documents, papers, and records of the operators*  
23            *and service providers described in subsection (a) that*  
24            *are pertinent to the Job Corps program, for purposes*

1       *of conducting surveys, audits, and evaluations of the*  
 2       *operators and service providers.*

3               (2) *SURVEYS, AUDITS, AND EVALUATIONS.—The*  
 4       *Secretary shall survey, audit, or evaluate, or arrange*  
 5       *for the survey, audit, or evaluation of, the operators*  
 6       *and service providers, using Federal auditors or inde-*  
 7       *pendent public accountants. The Secretary shall con-*  
 8       *duct such surveys, audits, or evaluations not less often*  
 9       *than once every 3 years.*

10       (c) *INFORMATION ON INDICATORS OF PERFORM-*  
 11       *ANCE.—*

12               (1) *LEVELS OF PERFORMANCE AND INDICA-*  
 13       *TORS.—The Secretary shall annually establish ex-*  
 14       *pected levels of performance for Job Corps centers and*  
 15       *the Job Corps program relating to each of the pri-*  
 16       *mary indicators of performance for eligible youth ac-*  
 17       *tivities described in section 131(b)(2)(A)(ii).*

18               (2) *PERFORMANCE OF RECRUITERS.—The Sec-*  
 19       *retary shall also establish performance indicators and*  
 20       *expected performance levels on the performance indi-*  
 21       *cators, for recruitment service providers serving the*  
 22       *Job Corps program. The performance indicators shall*  
 23       *relate to the number of enrollees recruited, compared*  
 24       *to the established goals for such recruitment, and the*

1       *number of enrollees who remain committed to the pro-*  
2       *gram for 90 days after enrollment.*

3           (3) *REPORT.—The Secretary shall collect, and*  
4       *annually submit to the Committee on Education and*  
5       *the Workforce of the House of Representatives and the*  
6       *Committee on Health, Education, Labor, and Pen-*  
7       *sions of the Senate, a report containing—*

8           (A) *information on the performance of each*  
9       *Job Corps center, and the Job Corps program, on*  
10       *the performance indicators described in para-*  
11       *graph (1), as compared to the expected level of*  
12       *performance established under such paragraph*  
13       *for each performance accountability measure;*  
14       *and*

15          (B) *information on the performance of the*  
16       *service providers described in paragraph (2) on*  
17       *the performance indicators established under*  
18       *such paragraph, as compared to the expected*  
19       *performance levels for the performance indica-*  
20       *tors.*

21       (d) *ADDITIONAL INFORMATION.—*

22           (1) *IN GENERAL.—The Secretary shall also col-*  
23       *lect, and submit in the report described in subsection*  
24       *(c), information on the performance of each Job Corps*  
25       *center, and the Job Corps program, regarding—*

1           (A) *the number of enrollees served;*

2           (B) *demographic information on the enroll-*  
3           *ees served, including age, race, gender, and edu-*  
4           *cation and income level;*

5           (C) *the number of graduates who entered the*  
6           *Armed Forces;*

7           (D) *the number of graduates who entered*  
8           *apprenticeship programs;*

9           (E) *the number of graduates who entered*  
10          *unsubsidized employment related to the career*  
11          *and technical education and training received*  
12          *through the Job Corps program and the number*  
13          *who entered unsubsidized employment not re-*  
14          *lated to the education and training received;*

15          (F) *the number and percentage of former*  
16          *enrollees, including the number dismissed under*  
17          *the zero tolerance policy described in section*  
18          *252(b); and*

19          (G) *any additional information required by*  
20          *the Secretary.*

21          (2) *RULES FOR REPORTING OF DATA.—The*  
22          *disaggregation of data under this subsection shall not*  
23          *be required when the number of individuals in a cat-*  
24          *egory is insufficient to yield statistically reliable in-*

1       formation or when the results would reveal personally  
2       identifiable information about an individual.

3       (e) *METHODS.*—*The Secretary shall collect the infor-*  
4       *mation described in subsections (c) and (d), using methods*  
5       *described in section 131(i)(2) and consistent with State law,*  
6       *by entering into agreements with the States to access such*  
7       *data for Job Corps enrollees, former enrollees, and grad-*  
8       *uates.*

9       (f) *PERFORMANCE ASSESSMENTS AND IMPROVE-*  
10       *MENTS.*—

11               (1) *ASSESSMENTS.*—*The Secretary shall conduct*  
12       *an annual assessment of the performance of each Job*  
13       *Corps center. Based on the assessment, the Secretary*  
14       *shall take measures to continuously improve the per-*  
15       *formance of the Job Corps program.*

16               (2) *PERFORMANCE IMPROVEMENT.*—*With respect*  
17       *to a Job Corps center that fails to meet the expected*  
18       *levels of performance relating to the primary indica-*  
19       *tors of performance specified in subsection (c)(1), the*  
20       *Secretary shall develop and implement a performance*  
21       *improvement plan. Such a plan shall require action*  
22       *to be taken during a 1-year period, including—*

23                       (A) *providing technical assistance to the*  
24       *center;*

1                   (B) changing the career and technical edu-  
2                   cation and training offered at the center;

3                   (C) changing the management staff of the  
4                   center;

5                   (D) replacing the operator of the center;

6                   (E) reducing the capacity of the center;

7                   (F) relocating the center; or

8                   (G) closing the center.

9                   (3) *ADDITIONAL PERFORMANCE IMPROVEMENT.*—

10                  *In addition to the performance improvement plans re-*  
11                  *quired under paragraph (2), the Secretary may de-*  
12                  *velop and implement additional performance im-*  
13                  *provement plans. Such a plan shall require improve-*  
14                  *ments, including the actions described in such para-*  
15                  *graph, for a Job Corps center that fails to meet cri-*  
16                  *teria established by the Secretary other than the ex-*  
17                  *pected levels of performance described in such para-*  
18                  *graph.*

19                  (4) *CIVILIAN CONSERVATION CENTERS.*—*With re-*  
20                  *spect to a Civilian Conservation Center that fails to*  
21                  *meet the expected levels of performance relating to the*  
22                  *primary indicators of performance specified in sub-*  
23                  *section (c)(1) or fails to improve performance as de-*  
24                  *scribed in paragraph (2), the Secretary, in consulta-*  
25                  *tion with the Secretary of Agriculture, may select an*

1        *entity to operate the Civilian Conservation Center on*  
 2        *a competitive basis, in accordance with the require-*  
 3        *ments of section 247(a)(2)(B).*

4        *(g) PARTICIPANT HEALTH AND SAFETY.—The Sec-*  
 5        *retary shall require that an entity that has entered into*  
 6        *a contract to provide work-based learning activities for any*  
 7        *Job Corps enrollee under this subtitle shall comply with the*  
 8        *Occupational Safety and Health Act of 1970 (29 U.S.C.*  
 9        *651 et seq.) or, as appropriate, under the corresponding*  
 10       *State Occupational Safety and Health Act of 1970 require-*  
 11       *ments in the State in which such activities occur.*

12       *(h) BUILDINGS AND FACILITIES.—The Secretary shall*  
 13       *collect, and submit in the report described in subsection (c),*  
 14       *information regarding the state of Job Corps buildings and*  
 15       *facilities. Such report shall include—*

16                *(1) a review of requested construction, rehabilita-*  
 17                *tion, and acquisition projects, by each Job Corps cen-*  
 18                *ter; and*

19                *(2) a review of new facilities under construction.*

20        *(i) NATIONAL AND COMMUNITY SERVICE.—The Sec-*  
 21        *retary shall include in the report described in subsection*  
 22        *(c) available information regarding the national and com-*  
 23        *munity service activities of enrollees, particularly those en-*  
 24        *rollees at Civilian Conservation Centers.*

1       (j) *CLOSURE OF JOB CORPS CENTER.*—Prior to the  
2 closure of any Job Corps center, the Secretary shall en-  
3 sure—

4           (1) *that the proposed decision to close the center*  
5 *is announced in advance to the general public*  
6 *through publication in the Federal Register or other*  
7 *appropriate means;*

8           (2) *the establishment of a reasonable comment*  
9 *period, not to exceed 30 days, for interested individ-*  
10 *uals to submit written comments to the Secretary;*  
11 *and*

12           (3) *that the Member of Congress who represents*  
13 *the district in which such center is located is notified*  
14 *within a reasonable period of time in advance of any*  
15 *final decision to close the center.*

16 **SEC. 260. GENERAL PROVISIONS.**

17       *The Secretary is authorized to—*

18           (1) *disseminate, with regard to the provisions of*  
19 *section 3204 of title 39, United States Code, data and*  
20 *information in such forms as the Secretary shall de-*  
21 *termine to be appropriate, to public agencies, private*  
22 *organizations, and the general public;*

23           (2) *subject to section 257(b), collect or com-*  
24 *promise all obligations to or held by the Secretary*  
25 *and exercise all legal or equitable rights accruing to*



1       *the Secretary in connection with the payment of obli-*  
2       *gations until such time as such obligations may be re-*  
3       *ferred to the Attorney General for suit or collection;*  
4       *and*

5               *(3) expend funds made available for purposes of*  
6       *this subtitle—*

7                       *(A) for printing and binding, in accordance*  
8               *with applicable law (including regulation); and*

9                       *(B) without regard to any other law (in-*  
10              *cluding regulation), for rent of buildings and*  
11              *space in buildings and for repair, alteration,*  
12              *and improvement of buildings and space in*  
13              *buildings rented by the Secretary, except that the*  
14              *Secretary shall not expend funds under the au-*  
15              *thority of this subparagraph—*

16                               *(i) except when necessary to obtain an*  
17                               *item, service, or facility, that is required in*  
18                               *the proper administration of this subtitle,*  
19                               *and that otherwise could not be obtained, or*  
20                               *could not be obtained in the quantity or*  
21                               *quality needed, or at the time, in the form,*  
22                               *or under the conditions in which the item,*  
23                               *service, or facility is needed; and*

24                               *(ii) prior to having given written noti-*  
25                               *fication to the Administrator of General*

1           *Services (if the expenditure would affect an*  
 2           *activity that otherwise would be under the*  
 3           *jurisdiction of the General Services Admin-*  
 4           *istration) of the intention of the Secretary*  
 5           *to make the expenditure, and the reasons*  
 6           *and justifications for the expenditure.*

7   **SEC. 261. JOB CORPS OVERSIGHT AND REPORTING.**

8           *(a) INSPECTOR GENERAL REPORT.—By not later than*  
 9           *December 1, 2013, the Inspector General of the Department*  
 10          *of Labor shall prepare and submit to the applicable com-*  
 11          *mittees a report regarding the recent administrative*  
 12          *changes made to the Job Corps program, as operated under*  
 13          *this subtitle and subtitle C of title II of the Workforce In-*  
 14          *vestment Act of 1998, as in effect before the date of enact-*  
 15          *ment of this Act. Such report shall—*

16                *(1) describe the administrative, structural, and*  
 17                *organizational changes implemented to the Job Corps*  
 18                *program when responsibility for such program was*  
 19                *transferred from the Office of the Secretary of Labor*  
 20                *to the Employment and Training Administration of*  
 21                *the Department of Labor, in accordance with section*  
 22                *108 of division D of the Consolidated Appropriations*  
 23                *Act, 2010 (Public Law 111–117; 123 Stat. 3238); and*  
 24                *(2) describe how such changes have impacted the*  
 25                *Job Corps program and compare the differences be-*

1 *tween the Job Corps program as administered by the*  
 2 *Office of the Secretary of Labor, and the program as*  
 3 *administered by the Employment and Training Ad-*  
 4 *ministration of the Department of Labor.*

5 *(b) TEMPORARY FINANCIAL REPORTING.—*

6 *(1) IN GENERAL.—During the periods described*  
 7 *in paragraphs (2) and (3)(B), the Secretary shall*  
 8 *prepare and submit to the applicable committees fi-*  
 9 *nancial reports regarding the Job Corps program*  
 10 *under this subtitle. Each such financial report shall*  
 11 *include—*

12 *(A) information regarding the implementa-*  
 13 *tion of the financial oversight measures suggested*  
 14 *in the May 31, 2013, report of the Office of In-*  
 15 *spector General of the Department of Labor enti-*  
 16 *tled “The U.S. Department of Labor’s Employ-*  
 17 *ment and Training Administration Needs to*  
 18 *Strengthen Controls over Job Corps Funds”;*

19 *(B) a description of any budgetary short-*  
 20 *falls for the program for the period covered by*  
 21 *the report, and the reasons for such shortfalls;*  
 22 *and*

23 *(C) a description and explanation for any*  
 24 *approval for contract expenditures that is in ex-*

1           *cess of the amount provided for under the con-*  
2           *tract.*

3           (2) *TIMING OF REPORTS.—The Secretary shall*  
4           *submit a financial report under paragraph (1) once*  
5           *every 6 months beginning on the date of enactment of*  
6           *this Act, for a 3-year period. After the completion of*  
7           *such 3-year period, the Secretary shall submit a fi-*  
8           *nancial report under such paragraph once a year for*  
9           *the next 2 years, unless additional reports are re-*  
10          *quired under paragraph (3)(B).*

11          (3) *REPORTING REQUIREMENTS IN CASES OF*  
12          *BUDGETARY SHORTFALLS.—If any financial report*  
13          *required under this subsection finds that the Job*  
14          *Corps program under this subtitle has a budgetary*  
15          *shortfall for the period covered by the report, the Sec-*  
16          *retary shall—*

17                 (A) *not later than 90 days after the budg-*  
18                 *etary shortfall was identified, submit a report to*  
19                 *the applicable committees explaining how the*  
20                 *budgetary shortfall will be addressed; and*

21                 (B) *submit an additional financial report*  
22                 *under paragraph (1) for each 6-month period*  
23                 *subsequent to the finding of the budgetary short-*  
24                 *fall until the Secretary demonstrates, through*

1           *such report, that the Job Corps program has no*  
2           *budgetary shortfall.*

3           (c) *RESPONSE TO OIG JOB CORPS REPORT.*—*By not*  
4           *later than December 1, 2013, the Assistant Secretary for*  
5           *Employment and Training of the Department of Labor*  
6           *shall prepare and submit a report—*

7                 (1) *responding to the May 31, 2013, report of the*  
8           *Office of Inspector General of the Department of*  
9           *Labor entitled “The U.S. Department of Labor’s Em-*  
10          *ployment and Training Administration Needs to*  
11          *Strengthen Controls over Job Corps Funds”; and*

12                 (2) *describing—*

13                         (A) *any changes the Employment and*  
14           *Training Administration has implemented or is*  
15           *implementing to correct problems identified in*  
16           *the report; and*

17                         (B) *how the Employment and Training Ad-*  
18           *ministration plans to implement, or otherwise*  
19           *address, any other changes recommended in the*  
20           *report.*

21           (d) *THIRD-PARTY REVIEW.*—*Every 5 years after the*  
22           *date of enactment of this Act, the Secretary shall provide*  
23           *for a third-party review of the Job Corps program under*  
24           *this subtitle that addresses all of the areas described in sub-*  
25           *paragraphs (A) through (G) of section 270(a)(1). The re-*

1 *sults of the review shall be submitted to the Committee on*  
 2 *Education and the Workforce of the House of Representa-*  
 3 *tives and the Committee on Health, Education, Labor, and*  
 4 *Pensions of the Senate.*

5 *(e) CRITERIA FOR JOB CORPS CENTER CLOSURES.—*  
 6 *By not later than December 1, 2013, the Secretary shall*  
 7 *establish written criteria that the Secretary shall use to de-*  
 8 *termine when a Job Corps center supported under this sub-*  
 9 *title is to be closed and how to carry out such closure, and*  
 10 *shall submit such criteria to the applicable committees.*

11 *(f) DEFINITION OF APPLICABLE COMMITTEES.—In*  
 12 *this section, the term “applicable committees” means—*

13 *(1) the Committee on Education and the Work-*  
 14 *force of the House of Representatives;*

15 *(2) the Subcommittee on Labor, Health and*  
 16 *Human Services, Education, and Related Agencies of*  
 17 *the Committee of Appropriations of the House of Rep-*  
 18 *resentatives;*

19 *(3) the Committee on Health, Education, Labor,*  
 20 *and Pensions of the Senate; and*

21 *(4) the Subcommittee on Labor, Health and*  
 22 *Human Services, Education, and Related Agencies of*  
 23 *the Committee of Appropriations of the Senate.*

1 **SEC. 262. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to carry out*  
 3 *this subtitle such sums as may be necessary for each of fiscal*  
 4 *years 2014 through 2018.*

5 ***Subtitle D—National Programs***

6 **SEC. 266. NATIVE AMERICAN PROGRAMS.**

7 *(a) PURPOSE.—*

8 *(1) IN GENERAL.—The purpose of this section is*  
 9 *to support employment and training activities for In-*  
 10 *Indian, Alaska Native, and Native Hawaiian individ-*  
 11 *uals in order—*

12 *(A) to develop more fully the academic, oc-*  
 13 *cupational, and literacy skills of such individ-*  
 14 *uals;*

15 *(B) to make such individuals more competi-*  
 16 *tive in the workforce and to equip them with the*  
 17 *entrepreneurial skills necessary for successful*  
 18 *self-employment; and*

19 *(C) to promote the economic and social de-*  
 20 *velopment of Indian, Alaska Native, and Native*  
 21 *Hawaiian communities in accordance with the*  
 22 *goals and values of such communities.*

23 *(2) INDIAN POLICY.—All programs assisted*  
 24 *under this section shall be administered in a manner*  
 25 *consistent with the principles of the Indian Self-De-*  
 26 *termination and Education Assistance Act (25 U.S.C.*

1       450 *et seq.*) and the government-to-government rela-  
 2       tionship between the Federal Government and Indian  
 3       tribal governments.

4       (b) *DEFINITIONS.*—As used in this section:

5           (1) *ALASKA NATIVE.*—The term “Alaska Native”  
 6       includes a Native and a descendant of a Native, as  
 7       such terms are defined in subsections (b) and (r) of  
 8       section 3 of the Alaska Native Claims Settlement Act  
 9       (43 U.S.C. 1602(b), (r)).

10          (2) *INDIAN, INDIAN TRIBE, AND TRIBAL ORGANI-*  
 11       *ZATION.*—The terms “Indian”, “Indian tribe”, and  
 12       “tribal organization” have the meanings given such  
 13       terms in subsections (d), (e), and (l), respectively, of  
 14       section 4 of the Indian Self-Determination and Edu-  
 15       cation Assistance Act (25 U.S.C. 450b).

16          (3) *NATIVE HAWAIIAN AND NATIVE HAWAIIAN OR-*  
 17       *GANIZATION.*—The terms “Native Hawaiian” and  
 18       “Native Hawaiian organization” have the meanings  
 19       given such terms in section 7207 of the Native Ha-  
 20       waiian Education Act (20 U.S.C. 7517).

21       (c) *PROGRAM AUTHORIZED.*—Every 4 years, the Sec-  
 22       retary shall, on a competitive basis, make grants to, or enter  
 23       into contracts or cooperative agreements with, Indian  
 24       tribes, tribal organizations, Alaska Native entities, Indian-  
 25       controlled organizations serving Indians, or Native Hawai-



1 *ian organizations to carry out the authorized activities de-*  
 2 *scribed in subsection (d).*

3 *(d) AUTHORIZED ACTIVITIES.—*

4 *(1) IN GENERAL.—Funds made available under*  
 5 *subsection (c) shall be used to carry out the activities*  
 6 *described in paragraph (2) that—*

7 *(A) are consistent with this section; and*

8 *(B) are necessary to meet the needs of Indi-*  
 9 *ans, Alaska Natives, or Native Hawaiians pre-*  
 10 *paring to enter, reenter, or retain employment*  
 11 *leading to self-sufficiency.*

12 *(2) WORKFORCE DEVELOPMENT ACTIVITIES AND*  
 13 *SUPPLEMENTAL SERVICES.—*

14 *(A) IN GENERAL.—Funds made available*  
 15 *under subsection (c) shall be used for—*

16 *(i) comprehensive workforce develop-*  
 17 *ment activities for Indians, Alaska Natives,*  
 18 *or Native Hawaiians, including training on*  
 19 *entrepreneurial skills; or*

20 *(ii) supplemental services for Indian,*  
 21 *Alaska Native, or Native Hawaiian youth*  
 22 *on or near Indian reservations and in*  
 23 *Oklahoma, Alaska, or Hawaii.*

24 *(B) SPECIAL RULE.—Notwithstanding any*  
 25 *other provision of this section, individuals who*

1           *were eligible to participate in programs under*  
 2           *section 401 of the Job Training Partnership Act*  
 3           *(as such section was in effect on the day before*  
 4           *the date of enactment of the Workforce Invest-*  
 5           *ment Act of 1998) shall be eligible to participate*  
 6           *in an activity assisted under this section.*

7           *(e) PROGRAM PLAN.—In order to receive a grant or*  
 8           *enter into a contract or cooperative agreement under this*  
 9           *section, an entity described in subsection (c) shall submit*  
 10          *to the Secretary a program plan that describes a 4-year*  
 11          *strategy for meeting the needs of Indian, Alaska Native, or*  
 12          *Native Hawaiian individuals, as appropriate, in the area*  
 13          *served by such entity. Such plan shall—*

14                 *(1) be consistent with the purpose of this section;*

15                 *(2) identify the population to be served;*

16                 *(3) identify the education and employment needs*  
 17          *of the population to be served and the manner in*  
 18          *which the activities to be provided will strengthen the*  
 19          *ability of the individuals served to obtain or retain*  
 20          *employment leading to self-sufficiency;*

21                 *(4) describe the activities to be provided and the*  
 22          *manner in which such activities are to be integrated*  
 23          *with other appropriate activities; and*

24                 *(5) describe, after the entity submitting the plan*  
 25          *consults with the Secretary, the performance account-*

1      *ability measures to be used to assess the performance*  
 2      *of entities in carrying out the activities assisted*  
 3      *under this section, which shall include the primary*  
 4      *indicators of performance described in section*  
 5      *131(b)(2)(A) and expected levels of performance for*  
 6      *such indicators, in accordance with subsection (h).*

7      *(f) CONSOLIDATION OF FUNDS.—Each entity receiving*  
 8      *assistance under subsection (c) may consolidate such assist-*  
 9      *ance with assistance received from related programs in ac-*  
 10     *cordance with the provisions of the Indian Employment,*  
 11     *Training and Related Services Demonstration Act of 1992*  
 12     *(25 U.S.C. 3401 et seq.).*

13     *(g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-*  
 14     *ICES.—Nothing in this section shall be construed—*

15             *(1) to limit the eligibility of any entity described*  
 16             *in subsection (c) to participate in any activity offered*  
 17             *by a State or local entity under this Act; or*

18             *(2) to preclude or discourage any agreement, be-*  
 19             *tween any entity described in subsection (c) and any*  
 20             *State or local entity, to facilitate the provision of*  
 21             *services by such entity or to the population served by*  
 22             *such entity.*

23     *(h) PERFORMANCE ACCOUNTABILITY MEASURES.—*

24             *(1) ADDITIONAL PERFORMANCE INDICATORS AND*  
 25             *STANDARDS.—*

1                   (A) *DEVELOPMENT OF INDICATORS AND*  
 2                   *STANDARDS.—The Secretary, in consultation*  
 3                   *with the Native American Employment and*  
 4                   *Training Council, shall develop a set of perform-*  
 5                   *ance indicators and standards that is in addi-*  
 6                   *tion to the primary indicators of performance*  
 7                   *described in section 131(b)(2)(A) and that shall*  
 8                   *be applicable to programs under this section.*

9                   (B) *SPECIAL CONSIDERATIONS.—Such per-*  
 10                   *formance indicators and standards shall take*  
 11                   *into account—*

12                   (i) *the purpose of this section as de-*  
 13                   *scribed in subsection (a)(1);*

14                   (ii) *the needs of the groups served by*  
 15                   *this section, including the differences in*  
 16                   *needs among such groups in various geo-*  
 17                   *graphic service areas; and*

18                   (iii) *the economic circumstances of the*  
 19                   *communities served, including differences in*  
 20                   *circumstances among various geographic*  
 21                   *service areas.*

22                   (2) *AGREEMENT ON ADJUSTED LEVELS OF PER-*  
 23                   *FORMANCE.—The Secretary and the entity described*  
 24                   *in subsection (c) shall reach agreement on the levels*  
 25                   *of performance for each of the primary indicators of*

1     *performance described in section 131(b)(2)(A), taking*  
 2     *into account economic conditions, characteristics of*  
 3     *the individuals served, and other appropriate factors*  
 4     *and using, to the extent practicable, the statistical ad-*  
 5     *justment model under section 131(b)(3)(A)(viii). The*  
 6     *levels agreed to shall be the adjusted levels of perform-*  
 7     *ance and shall be incorporated in the program plan.*

8     *(i) ADMINISTRATIVE PROVISIONS.—*

9             *(1) ORGANIZATIONAL UNIT ESTABLISHED.—The*  
 10     *Secretary shall designate a single organizational unit*  
 11     *within the Department of Labor that shall have pri-*  
 12     *mary responsibility for the administration of the ac-*  
 13     *tivities authorized under this section.*

14            *(2) REGULATIONS.—The Secretary shall consult*  
 15     *with the entities described in subsection (c) in—*

16                 *(A) establishing regulations to carry out*  
 17     *this section, including regulations relating to the*  
 18     *performance accountability measures for entities*  
 19     *receiving assistance under this section; and*

20                 *(B) developing a funding distribution plan*  
 21     *that takes into consideration previous levels of*  
 22     *funding (prior to the date of enactment of this*  
 23     *Act) to such entities.*

24            *(3) WAIVERS.—*

1           (A) *IN GENERAL.*—*With respect to an entity*  
2           *described in subsection (c), the Secretary, not-*  
3           *withstanding any other provision of law, may,*  
4           *pursuant to a request submitted by such entity*  
5           *that meets the requirements established under*  
6           *subparagraph (B), waive any of the statutory or*  
7           *regulatory requirements of this title or title I*  
8           *that are inconsistent with the specific needs of*  
9           *the entity described in such subsection, except*  
10          *that the Secretary may not waive requirements*  
11          *relating to wage and labor standards, worker*  
12          *rights, participation and protection of workers*  
13          *and participants, grievance procedures, and ju-*  
14          *dicial review.*

15          (B) *REQUEST AND APPROVAL.*—*An entity*  
16          *described in subsection (c) that requests a waiver*  
17          *under subparagraph (A) shall submit a plan to*  
18          *the Secretary to improve the program of work-*  
19          *force investment activities carried out by the en-*  
20          *tity, which plan shall meet the requirements es-*  
21          *tablished by the Secretary and shall be generally*  
22          *consistent with the requirements of section*  
23          *289(i)(3)(B).*

24          (4) *ADVISORY COUNCIL.*—

1           (A) *IN GENERAL.*—Using funds made avail-  
2           able to carry out this section, the Secretary shall  
3           establish a Native American Employment and  
4           Training Council to facilitate the consultation  
5           described in paragraph (2) and to provide the  
6           advice described in subparagraph (C).

7           (B) *COMPOSITION.*—The Council shall be  
8           composed of individuals, appointed by the Sec-  
9           retary, who are representatives of the entities de-  
10          scribed in subsection (c).

11          (C) *DUTIES.*—The Council shall advise the  
12          Secretary on the operation and administration  
13          of the programs assisted under this section, in-  
14          cluding the selection of the individual appointed  
15          as head of the unit established under paragraph  
16          (1).

17          (D) *PERSONNEL MATTERS.*—

18               (i) *COMPENSATION OF MEMBERS.*—  
19               Members of the Council shall serve without  
20               compensation.

21               (ii) *TRAVEL EXPENSES.*—The members  
22               of the Council shall be allowed travel ex-  
23               penses, including per diem in lieu of sub-  
24               sistence, at rates authorized for employees of  
25               agencies under subchapter I of chapter 57 of

1           *title 5, United States Code, while away*  
 2           *from their homes or regular places of busi-*  
 3           *ness in the performance of services for the*  
 4           *Council.*

5           (iii) *ADMINISTRATIVE SUPPORT.—The*  
 6           *Secretary shall provide the Council with*  
 7           *such administrative support as may be nec-*  
 8           *essary to perform the functions of the Coun-*  
 9           *cil.*

10          (E) *CHAIRPERSON.—The Council shall se-*  
 11          *lect a chairperson from among its members.*

12          (F) *MEETINGS.—The Council shall meet not*  
 13          *less than twice each year.*

14          (G) *APPLICATION.—Section 14 of the Fed-*  
 15          *eral Advisory Committee Act (5 U.S.C. App.)*  
 16          *shall not apply to the Council.*

17          (5) *TECHNICAL ASSISTANCE.—The Secretary,*  
 18          *acting through the unit established under paragraph*  
 19          *(1), is authorized to provide technical assistance to*  
 20          *entities described in subsection (c) that receive assist-*  
 21          *ance under such subsection to enable such entities to*  
 22          *improve the activities authorized under this section*  
 23          *that are provided by such entities.*

24          (6) *AGREEMENT FOR CERTAIN FEDERALLY REC-*  
 25          *OGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO*



1        *THE PROGRAM.*—*A federally recognized Indian tribe*  
 2        *that administers funds provided under this section*  
 3        *and funds provided by more than one State under*  
 4        *other sections of this title may enter into an agree-*  
 5        *ment with the Secretary and the Governors of the af-*  
 6        *ected States to transfer the funds provided by the*  
 7        *States to the program administered by the tribe under*  
 8        *this section.*

9        *(j) COMPLIANCE WITH SINGLE AUDIT REQUIRE-*  
 10       *MENTS; RELATED REQUIREMENT.*—*Grants made and con-*  
 11       *tracts and cooperative agreements entered into under this*  
 12       *section shall be subject to the requirements of chapter 75*  
 13       *of subtitle V of title 31, United States Code, and charging*  
 14       *of costs under this section shall be subject to appropriate*  
 15       *circulars issued by the Office of Management and Budget.*

16       *(k) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA*  
 17       *AND HAWAII.*—

18                *(1) IN GENERAL.*—*Notwithstanding any other*  
 19        *provision of law, the Secretary is authorized to pro-*  
 20        *vide assistance to the Cook Inlet Tribal Council, In-*  
 21        *corporated, and the University of Hawaii at Maui,*  
 22        *for the unique populations who reside in Alaska or*  
 23        *Hawaii, respectively, to improve job training and*  
 24        *workforce investment activities.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2           *There are authorized to be appropriated to carry out*  
 3           *this subsection such sums as may be necessary for*  
 4           *each of fiscal years 2014 through 2018.*

5   **SEC. 267. MIGRANT AND SEASONAL FARMWORKER PRO-**  
 6                           **GRAMS.**

7           (a) *IN GENERAL.*—*Every 4 years, the Secretary shall,*  
 8           *on a competitive basis, make grants to, or enter into con-*  
 9           *tracts with, eligible entities to carry out the activities de-*  
 10          *scribed in subsection (d).*

11          (b) *ELIGIBLE ENTITIES.*—*To be eligible to receive a*  
 12          *grant or enter into a contract under this section, an entity*  
 13          *shall have an understanding of the problems of eligible mi-*  
 14          *grant and seasonal farmworkers (including dependents), a*  
 15          *familiarity with the area to be served, and the ability to*  
 16          *demonstrate a capacity to administer and deliver effectively*  
 17          *a diversified program of workforce investment activities*  
 18          *(including youth workforce investment activities) and re-*  
 19          *lated assistance for eligible migrant and seasonal farm-*  
 20          *workers.*

21          (c) *PROGRAM PLAN.*—

22               (1) *IN GENERAL.*—*To be eligible to receive a*  
 23          *grant or enter into a contract under this section, an*  
 24          *entity described in subsection (b) shall submit to the*  
 25          *Secretary a plan that describes a 4-year strategy for*

1       *meeting the needs of eligible migrant and seasonal*  
2       *farmworkers in the area to be served by such entity.*

3               (2) *CONTENTS.—Such plan shall—*

4                       (A) *describe the population to be served and*  
5                       *identify the education and employment needs of*  
6                       *the population to be served and the manner in*  
7                       *which the services to be provided will strengthen*  
8                       *the ability of the eligible migrant and seasonal*  
9                       *farmworkers and dependents to obtain or retain*  
10                      *unsubsidized employment, or stabilize their un-*  
11                      *subsidized employment, including upgraded em-*  
12                      *ployment in agriculture;*

13                     (B) *describe the related assistance and sup-*  
14                     *portive services to be provided and the manner*  
15                     *in which such assistance and services are to be*  
16                     *integrated and coordinated with other appro-*  
17                     *priate services;*

18                     (C) *describe the performance accountability*  
19                     *measures to be used to assess the performance of*  
20                     *such entity in carrying out the activities assisted*  
21                     *under this section, which shall include the ex-*  
22                     *pected levels of performance for the primary in-*  
23                     *dicators of performance described in section*  
24                     *131(b)(2)(A);*

1           (D) describe the availability and accessi-  
 2           bility of local resources such as supportive serv-  
 3           ices, services provided through one-stop delivery  
 4           systems, and education and training services,  
 5           and how the resources can be made available to  
 6           the population to be served; and

7           (E) describe the plan for providing services  
 8           under this section, including strategies and sys-  
 9           tems for outreach, career planning, assessment,  
 10          and delivery through one-stop delivery systems.

11          (3) AGREEMENT ON ADJUSTED LEVELS OF PER-  
 12          FORMANCE.—The Secretary and the entity described  
 13          in subsection (b) shall reach agreement on the levels  
 14          of performance for each of the primary indicators of  
 15          performance described in section 131(b)(2)(A), taking  
 16          into account economic conditions, characteristics of  
 17          the individuals served, and other appropriate factors,  
 18          and using, to the extent practicable the statistical ad-  
 19          justment model under section 131(b)(3)(A)(viii). The  
 20          levels agreed to shall be the adjusted levels of perform-  
 21          ance and shall be incorporated in the program plan.

22          (4) ADMINISTRATION.—Grants and contracts  
 23          awarded under this section shall be centrally admin-  
 24          istered by the Department of Labor and competitively  
 25          awarded by the Secretary using procedures consistent

1       *with standard Federal Government competitive pro-*  
2       *curement policies.*

3       (d) *AUTHORIZED ACTIVITIES.—Funds made available*  
4       *under this section and section 227 shall be used to carry*  
5       *out workforce investment activities (including youth work-*  
6       *force investment activities) and provide related assistance*  
7       *for eligible migrant and seasonal farmworkers, which may*  
8       *include—*

9               (1) *outreach, employment, training, educational*  
10       *assistance, literacy assistance, English language and*  
11       *literacy instruction, pesticide and worker safety*  
12       *training, housing (including permanent housing),*  
13       *supportive services, and school dropout prevention ac-*  
14       *tivities;*

15              (2) *followup services for those individuals placed*  
16       *in employment;*

17              (3) *self-employment and related business or*  
18       *micro-enterprise development or education as needed*  
19       *by eligible individuals as identified pursuant to the*  
20       *plan required by subsection (c);*

21              (4) *customized career and technical education in*  
22       *occupations that will lead to higher wages, enhanced*  
23       *benefits, and long-term employment in agriculture or*  
24       *another area; and*

1           (5) *technical assistance to improve coordination*  
 2           *of services and implement best practices relating to*  
 3           *service delivery through one-stop delivery systems.*

4           (e) *CONSULTATION WITH GOVERNORS AND LOCAL*  
 5           *BOARDS.—In making grants and entering into contracts*  
 6           *under this section, the Secretary shall consult with the Gov-*  
 7           *ernors and local boards of the States in which the eligible*  
 8           *entities will carry out the activities described in subsection*  
 9           *(d).*

10          (f) *REGULATIONS.—The Secretary shall consult with*  
 11          *eligible migrant and seasonal farmworkers groups and*  
 12          *States in establishing regulations to carry out this section,*  
 13          *including regulations relating to how economic and demo-*  
 14          *graphic barriers to employment of eligible migrant and sea-*  
 15          *sonal farmworkers should be considered and included in the*  
 16          *negotiations leading to the adjusted levels of performance*  
 17          *described in subsection (c).*

18          (g) *COMPLIANCE WITH SINGLE AUDIT REQUIRE-*  
 19          *MENTS; RELATED REQUIREMENT.—Grants made and con-*  
 20          *tracts entered into under this section shall be subject to the*  
 21          *requirements of chapter 75 of subtitle V of title 31, United*  
 22          *States Code and charging of costs under this section shall*  
 23          *be subject to appropriate circulars issued by the Office of*  
 24          *Management and Budget.*

1       (h) *FUNDING ALLOCATION.*—*From the funds appro-*  
 2 *priated and made available to carry out this section, the*  
 3 *Secretary shall reserve not more than 1 percent for discre-*  
 4 *tionary purposes, such as providing technical assistance to*  
 5 *eligible entities.*

6       (i) *DEFINITIONS.*—*In this section:*

7           (1) *DEPENDENT.*—*The term “dependent”, used*  
 8 *with respect to an eligible migrant or seasonal farm-*  
 9 *worker, means an individual who—*

10                   (A) *was claimed as a dependent on the*  
 11 *farmworker’s Federal income tax return for the*  
 12 *year prior to the determination of dependent sta-*  
 13 *tus;*

14                   (B) *is the spouse of the farmworker; or*

15                   (C) *is able to establish—*

16                           (i) *a relationship as the farm-*  
 17 *worker’s—*

18                                   (I) *biological or legally adopted*  
 19 *child, grandchild, or great-grandchild;*

20                                   (II) *foster child;*

21                                   (III) *stepchild;*

22                                   (IV) *brother, sister, half-brother,*  
 23 *half-sister, stepbrother, or stepsister;*

24                                   (V) *parent, grandparent, or other*  
 25 *direct ancestor (but not foster parent);*

1 (VI) *stepfather or stepmother;*

2 (VII) *uncle or aunt;*

3 (VIII) *niece or nephew; or*

4 (IX) *father-in-law, mother-in-law,*  
5 *son-in-law, daughter-in-law, brother-*  
6 *in-law, or sister-in-law; and*

7 (ii) *the receipt of over half of the indi-*  
8 *vidual's total support from the farmworker's*  
9 *family during the eligibility determination*  
10 *period described in paragraph (4)(A) for*  
11 *the farmworker.*

12 (2) *ELIGIBLE MIGRANT AND SEASONAL FARM-*  
13 *WORKERS.—The term “eligible migrant and seasonal*  
14 *farmworkers” means individuals who are eligible mi-*  
15 *grant farmworkers or are eligible seasonal farm-*  
16 *workers.*

17 (3) *ELIGIBLE MIGRANT FARMWORKER.—The*  
18 *term “eligible migrant farmworker” means—*

19 (A) *an eligible seasonal farmworker de-*  
20 *scribed in paragraph (4)(A) whose agricultural*  
21 *labor requires travel to a job site such that the*  
22 *farmworker is unable to return to a permanent*  
23 *place of residence within the same day; and*

24 (B) *a dependent of the farmworker described*  
25 *in subparagraph (A).*



1           (4) *ELIGIBLE SEASONAL FARMWORKER.*—*The*  
 2       *term “eligible seasonal farmworker” means—*

3                   *(A) a low-income individual who—*

4                           *(i) for 12 consecutive months out of the*  
 5                           *24 months prior to application for the pro-*  
 6                           *gram involved, has been primarily em-*  
 7                           *ployed in agricultural or fish farming labor*  
 8                           *that is characterized by chronic unemploy-*  
 9                           *ment or underemployment; and*

10                           *(ii) faces multiple barriers to economic*  
 11                           *self-sufficiency; and*

12                   *(B) a dependent of the person described in*  
 13       *subparagraph (A).*

14 **SEC. 268. VETERANS’ WORKFORCE INVESTMENT PRO-**  
 15 **GRAMS.**

16       *(a) AUTHORIZATION.—*

17           *(1) IN GENERAL.—The Secretary shall conduct,*  
 18       *directly or through grants or contracts, programs to*  
 19       *meet the needs for workforce investment activities of*  
 20       *veterans with service-connected disabilities, veterans*  
 21       *who have significant barriers to employment, veterans*  
 22       *who served on active duty in the armed forces during*  
 23       *a war or in a campaign or expedition for which a*  
 24       *campaign badge has been authorized, and recently*  
 25       *separated veterans.*

1           (2) *CONDUCT OF PROGRAMS.*—*Programs sup-*  
2           *ported under this section may be conducted through*  
3           *grants and contracts with public agencies and private*  
4           *nonprofit organizations, including recipients of Fed-*  
5           *eral assistance under other provisions of this title,*  
6           *that the Secretary determines have an understanding*  
7           *of the unemployment problems of veterans described*  
8           *in paragraph (1), familiarity with the area to be*  
9           *served, and the capability to administer effectively a*  
10          *program of workforce investment activities for such*  
11          *veterans.*

12          (3) *REQUIRED ACTIVITIES.*—*Programs supported*  
13          *under this section shall include—*

14                (A) *activities to enhance services provided*  
15                *to veterans by other providers of workforce in-*  
16                *vestment activities funded by Federal, State, or*  
17                *local government, including services provided by*  
18                *one-stop operators and one-stop partners;*

19                (B) *activities to provide workforce invest-*  
20                *ment activities to such veterans that are not ade-*  
21                *quately provided by other public providers of*  
22                *workforce investment activities; and*

23                (C) *outreach and public information activi-*  
24                *ties to develop and promote maximum job and*  
25                *job training opportunities for such veterans and*

1       to inform such veterans about employment, job  
2       training, on-the-job training, and educational  
3       opportunities under this title, under title 38,  
4       United States Code, and under other provisions  
5       of law, which activities shall be coordinated with  
6       activities provided through the one-stop centers  
7       described in section 221(e).

8       (b) *ADMINISTRATION OF PROGRAMS.*—

9           (1) *IN GENERAL.*—The Secretary shall admin-  
10       ister programs supported under this section through  
11       the Assistant Secretary for Veterans' Employment  
12       and Training.

13          (2) *ADDITIONAL RESPONSIBILITIES.*—In car-  
14       rying out responsibilities under this section, the As-  
15       sistant Secretary for Veterans' Employment and  
16       Training shall—

17           (A) be responsible for the awarding of  
18       grants and contracts and the distribution of  
19       funds under this section and for the establish-  
20       ment of appropriate fiscal controls, account-  
21       ability, and program performance accountability  
22       measures for recipients of grants and contracts  
23       under this section; and

24           (B) consult with the Secretary of Veterans  
25       Affairs and take steps to ensure that programs

supported under this section are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, United States Code, including programs and activities conducted under chapter 63 of such title, any of chapters 30 through 34 of such title, and sections 1712A, 1720A, 3687, and 4103A of such title.

(3) *PERFORMANCE ACCOUNTABILITY MEASURES.*—In carrying out the responsibilities relating to performance accountability measures described in paragraph (2)(A), the Assistant Secretary for Veterans' Employment and Training shall, for each grant or contract under this section providing education, training, or employment services to veterans, include among such measures the primary indicators of performance described in section 131(b)(2)(A)(i) and adjusted levels of performance for each such indicator that are agreed to by the Assistant Secretary and the recipient of the grant or contract.

**SEC. 269. TECHNICAL ASSISTANCE.**

(a) *GENERAL TECHNICAL ASSISTANCE.*—

(1) *IN GENERAL.*—The Secretary shall provide, coordinate, and support the development of, appro-

1     *priate training, technical assistance, staff develop-*  
2     *ment, and other activities, including—*

3             *(A) assistance in replicating programs of*  
4             *demonstrated effectiveness, to States and local-*  
5             *ities;*

6             *(B) the training of staff providing rapid re-*  
7             *sponse services;*

8             *(C) the training of other staff of recipients*  
9             *of funds under this title, including the staff of*  
10            *local boards and State boards;*

11            *(D) the training of members of State boards*  
12            *and local boards;*

13            *(E) assistance in the development and im-*  
14            *plementation of integrated, technology-enabled*  
15            *intake and case management information sys-*  
16            *tems for programs carried out under this Act*  
17            *and programs carried out by one-stop partners,*  
18            *such as standard sets of technical requirements*  
19            *for the systems, offering interfaces that States*  
20            *could use in conjunction with their current (as*  
21            *of the first date of implementation of the sys-*  
22            *tems) intake and case management information*  
23            *systems that would facilitate shared registration*  
24            *across programs;*

1           (F) *peer review activities under this title;*  
2           *and*

3           (G) *in particular, assistance to States in*  
4           *making transitions to implement the provisions*  
5           *of this Act.*

6           (2) *SUFFICIENT CAPACITY.—The Secretary shall*  
7           *ensure that the Department has sufficient capacity to*  
8           *carry out, and carries out, directly or in accordance*  
9           *with paragraph (3), the activities described in para-*  
10          *graph (1) for all States and recipients of financial as-*  
11          *sistance under any of sections 266 through 268.*

12          (3) *FORM OF ASSISTANCE.—*

13               (A) *IN GENERAL.—In order to carry out*  
14               *paragraph (1) on behalf of a State or recipient*  
15               *of financial assistance under any of sections 266*  
16               *through 268, the Secretary, after consultation*  
17               *with the State or grant recipient, may award*  
18               *grants or enter into contracts or cooperative*  
19               *agreements.*

20               (B) *LIMITATION.—Grants or contracts*  
21               *awarded under paragraph (1) to entities other*  
22               *than States or local units of government that are*  
23               *for amounts in excess of \$100,000 shall only be*  
24               *awarded on a competitive basis.*

25          (b) *DISLOCATED WORKER TECHNICAL ASSISTANCE.—*

1           (1) *AUTHORITY.*—Of the amounts available pur-  
2           suant to section 232(a)(2)(A), the Secretary shall re-  
3           serve not more than 5 percent of such amounts to pro-  
4           vide technical assistance to States that do not meet  
5           the State performance accountability measures de-  
6           scribed in section 131(b)(2)(A)(i) with respect to em-  
7           ployment and training activities for dislocated work-  
8           ers. Using such reserved funds, the Secretary may  
9           provide such assistance to other States, local areas,  
10          and other entities involved in providing assistance to  
11          dislocated workers, to promote the continuous im-  
12          provement of assistance provided to dislocated work-  
13          ers, under this title.

14          (2) *TRAINING.*—Amounts reserved under this  
15          subsection may be used to provide for the training of  
16          staff, including specialists, who provide rapid re-  
17          sponse services. Such training shall include instruc-  
18          tion in proven methods of promoting, establishing,  
19          and assisting labor-management committees. Such  
20          projects shall be administered through the Employ-  
21          ment and Training Administration of the Depart-  
22          ment.

23          (c) *PROMISING AND PROVEN PRACTICES COORDINA-*  
24          *TION.*—Consistent with the identification and dissemina-

tion of promising and proven practices under subtitle C of title I, the Secretary shall—

(1) establish a system through which States may share information regarding promising and proven practices with regard to the operation of workforce investment activities under this Act;

(2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and

(3) commission research under section 270(b) to address knowledge gaps identified under paragraph (2).

**SEC. 270. EVALUATIONS AND RESEARCH.**

(a) *EVALUATIONS.*—

(1) *EVALUATIONS OF PROGRAMS AND ACTIVITIES CARRIED OUT UNDER THIS TITLE AND TITLE I.*—For the purpose of improving the management and effectiveness of programs and activities carried out under this title and title I, the Secretary shall provide for the continuing evaluation of the programs and activities, including those programs and activities carried out under this section. Each such evaluation shall address—

(A) the general effectiveness of such programs and activities in relation to their cost, in-



1        *cluding the extent to which the programs and ac-*  
2        *tivities—*

3                *(i) improve the employment com-*  
4                *petencies of participants in comparison to*  
5                *comparably-situated individuals who did*  
6                *not participate in such programs and ac-*  
7                *tivities; and*

8                *(ii) to the extent feasible, increase the*  
9                *level of total employment over the level that*  
10               *would have existed in the absence of such*  
11               *programs and activities;*

12               *(B) the effectiveness of the performance ac-*  
13               *countability measures relating to such programs*  
14               *and activities;*

15               *(C) the effectiveness of the structure and*  
16               *mechanisms for delivery of services through such*  
17               *programs and activities, including the coordina-*  
18               *tion and integration of services through such*  
19               *programs and activities;*

20               *(D) the impact of such programs and ac-*  
21               *tivities on the community and participants in-*  
22               *volved;*

23               *(E) the impact of such programs and ac-*  
24               *tivities on related programs and activities;*

1           (F) the extent to which such programs and  
2           activities meet the needs of various demographic  
3           groups; and

4           (G) such other factors as may be appro-  
5           priate.

6           (2) *EVALUATIONS OF OTHER PROGRAMS AND AC-*  
7           *TIVITIES.*—The Secretary may conduct evaluations of  
8           other federally funded employment-related programs  
9           and activities under other provisions of law.

10          (3) *TECHNIQUES.*—Evaluations conducted under  
11          this subsection shall utilize appropriate methodology  
12          and research designs, including the use of control  
13          groups chosen by scientific random assignment meth-  
14          odologies. The Secretary shall conduct at least 1  
15          multisite control group evaluation under this sub-  
16          section by the end of fiscal year 2018.

17          (4) *REPORTS.*—The entity carrying out an eval-  
18          uation described in paragraph (1) or (2) shall pre-  
19          pare and submit to the Secretary a draft report and  
20          a final report containing the results of the evaluation.

21          (5) *REPORTS TO CONGRESS.*—Not later than 30  
22          days after the completion of a draft report under  
23          paragraph (4), the Secretary shall transmit the draft  
24          report to the Committee on Education and the Work-  
25          force of the House of Representatives and the Com-

1        *mittee on Health, Education, Labor and Pensions of*  
 2        *the Senate. Not later than 60 days after the comple-*  
 3        *tion of a final report under such paragraph, the Sec-*  
 4        *retary shall transmit the final report to such commit-*  
 5        *tees.*

6            (6) *PUBLICATION OF REPORTS.—If an entity*  
 7        *that enters into a contract or other arrangement with*  
 8        *the Secretary to conduct an evaluation of a program*  
 9        *or activity under this subsection requests permission*  
 10       *from the Secretary to publish a report resulting from*  
 11       *the evaluation, such entity may publish the report un-*  
 12       *less the Secretary denies the request during the 90-day*  
 13       *period beginning on the date the Secretary receives*  
 14       *such request.*

15           (7) *COORDINATION.—The Secretary shall ensure*  
 16        *the coordination of evaluations carried out by States*  
 17        *pursuant to section 131(e) with the evaluations car-*  
 18        *ried out under this subsection.*

19        (b) *RESEARCH, STUDIES, AND MULTISTATE*  
 20        *PROJECTS.—*

21           (1) *IN GENERAL.—After consultation with*  
 22        *States, localities, and other interested parties, the Sec-*  
 23        *retary shall, every 2 years, publish in the Federal*  
 24        *Register, a plan that describes the research, studies,*  
 25        *and multistate project priorities of the Department of*

1     *Labor concerning employment and training for the 5-*  
2     *year period following the submission of the plan. The*  
3     *plan shall be consistent with the purposes of this title*  
4     *and title I, including the purpose of aligning and co-*  
5     *ordinating core programs with other one-stop partner*  
6     *programs. Copies of the plan shall be transmitted to*  
7     *the Committee on Education and the Workforce of the*  
8     *House of Representatives, the Committee on Health,*  
9     *Education, Labor, and Pensions of the Senate, the*  
10    *Department of Education, and other relevant Federal*  
11    *agencies.*

12           (2) *FACTORS.—The plan published under para-*  
13    *graph (1) shall contain strategies to address national*  
14    *employment and training problems and take into ac-*  
15    *count factors such as—*

16                   (A) *the availability of existing research (as*  
17                   *of the date of the publication);*

18                   (B) *the need to ensure results that have*  
19                   *interstate validity;*

20                   (C) *the benefits of economies of scale and the*  
21                   *efficiency of proposed projects; and*

22                   (D) *the likelihood that the results of the*  
23                   *projects will be useful to policymakers and stake-*  
24                   *holders in addressing employment and training*  
25                   *problems.*

1           (3) *RESEARCH PROJECTS.*—*The Secretary shall,*  
2           *through grants or contracts, carry out research*  
3           *projects that will contribute to the solution of employ-*  
4           *ment and training problems in the United States and*  
5           *that are consistent with the priorities specified in the*  
6           *plan published under paragraph (1).*

7           (4) *STUDIES AND REPORTS.*—

8                 (A) *NET IMPACT STUDIES AND REPORTS.*—

9                     (i) *IN GENERAL.*—*The Secretary of*  
10                    *Labor, in coordination with the Secretary*  
11                    *of Education and other relevant Federal*  
12                    *agencies, may conduct studies to determine*  
13                    *the net impact and best practices of pro-*  
14                    *grams, services, and activities carried out*  
15                    *under this Act.*

16                   (ii) *REPORTS.*—*The Secretary shall*  
17                    *prepare and disseminate to the public, in-*  
18                    *cluding through electronic means, reports*  
19                    *containing the results of the studies con-*  
20                    *ducted under clause (i).*

21                 (B) *STUDY ON RESOURCES AVAILABLE TO*  
22                 *ASSIST DISCONNECTED YOUTH.*—*The Secretary*  
23                 *of Labor, in coordination with the Secretary of*  
24                 *Education, may conduct a study examining—*

1           *(i) the characteristics of eligible youth*  
 2           *that result in such youth being significantly*  
 3           *disconnected from education and workforce*  
 4           *participation;*

5           *(ii) the ways in which such youth*  
 6           *could have greater opportunities for edu-*  
 7           *cation attainment and obtaining employ-*  
 8           *ment; and*

9           *(iii) the resources available at the Fed-*  
 10          *eral, State, and local levels to assist such*  
 11          *youth in obtaining the skills (including*  
 12          *skills acquired through workforce prepara-*  
 13          *tion activities), credentials, and work expe-*  
 14          *rience necessary to become economically self-*  
 15          *sufficient.*

16          (C) *STUDY OF EFFECTIVENESS OF WORK-*  
 17          *FORCE DEVELOPMENT SYSTEM IN MEETING BUSI-*  
 18          *NESS NEEDS.—*

19               *(i) IN GENERAL.—Using funds avail-*  
 20               *able to carry out this subsection jointly with*  
 21               *funds available to the Secretary of Com-*  
 22               *merce, the Administrator of the Small Busi-*  
 23               *ness Administration, and the Secretary of*  
 24               *Education, the Secretary of Labor, in co-*  
 25               *ordination with the Secretary of Commerce,*

1           *the Administrator of the Small Business*  
2           *Administration, and the Secretary of Edu-*  
3           *cation, may conduct a study of the effective-*  
4           *ness of the workforce development system in*  
5           *meeting the needs of business, with par-*  
6           *ticular attention to the needs of small busi-*  
7           *ness, including in assisting workers to ob-*  
8           *tain the skills needed to utilize emerging*  
9           *technologies. The study may examine issues*  
10          *such as—*

11                   *(I) methods for identifying the*  
12                   *workforce needs of businesses and how*  
13                   *the requirements of small businesses*  
14                   *may differ from larger establishments;*

15                   *(II) business satisfaction with the*  
16                   *workforce development system, with*  
17                   *particular emphasis on the satisfaction*  
18                   *of small businesses;*

19                   *(III) the extent to which business*  
20                   *is engaged as a collaborative partner*  
21                   *in the workforce development system,*  
22                   *including—*

23                           *(aa) the number and percent-*  
24                           *age of members of State boards*

1                   *and local boards who are rep-*  
2                   *resentatives of businesses; and*

3                   *(bb) the extent to which State*  
4                   *boards, local boards, and one-stop*  
5                   *centers established under section*  
6                   *221(e) effectively collaborate with*  
7                   *business and industry leaders in*  
8                   *developing workforce development*  
9                   *strategies, including strategies to*  
10                  *identify high-growth employment*  
11                  *opportunities;*

12                  *(IV) ways in which the workforce*  
13                  *development system addresses the*  
14                  *changing skill needs of business that*  
15                  *result from changes in technology and*  
16                  *work processes;*

17                  *(V) promising practices for serv-*  
18                  *ing small businesses;*

19                  *(VI) the extent and manner in*  
20                  *which the workforce development sys-*  
21                  *tem uses technology to serve business*  
22                  *and individual needs, and how uses of*  
23                  *technology could enhance the efficiency*  
24                  *and effectiveness of the system in pro-*  
25                  *viding services; and*



1                   (VII) *the extent to which various*  
2                   *segments of the labor force have access*  
3                   *to and utilize technology to locate job*  
4                   *openings and apply for jobs, and char-*  
5                   *acteristics of individuals utilizing such*  
6                   *technology (such as age, gender, race or*  
7                   *ethnicity, industry sector, and occupa-*  
8                   *tional group).*

9                   (ii) *REPORT TO CONGRESS.—If the*  
10                  *Secretary conducts a study under clause (i),*  
11                  *the Secretary shall prepare and submit to*  
12                  *the Committee on Education and the Work-*  
13                  *force of the House of Representatives and*  
14                  *the Committee on Health, Education,*  
15                  *Labor, and Pensions of the Senate a report*  
16                  *containing the results of the study. Such re-*  
17                  *port shall include any recommendations the*  
18                  *Secretary determines are appropriate to in-*  
19                  *clude in such report, including ways to en-*  
20                  *hance the effectiveness of the workforce de-*  
21                  *velopment system in meeting the needs of*  
22                  *business for skilled workers.*

23                  (D) *STUDY ON PARTICIPANTS ENTERING*  
24                  *NONTRADITIONAL OCCUPATIONS.—The Secretary*

1           *of Labor, in coordination with the Secretary of*  
 2           *Education, may conduct a study examining—*

3                     *(i) the number and percentage of indi-*  
 4                     *viduals who receive employment and train-*  
 5                     *ing activities and who enter nontraditional*  
 6                     *occupations;*

7                     *(ii) successful strategies through which*  
 8                     *State boards and local boards can place and*  
 9                     *support the retention of individuals in non-*  
 10                    *traditional employment, such as by pro-*  
 11                    *viding post-placement assistance to partici-*  
 12                    *pants in the form of exit interviews, men-*  
 13                    *toring, networking, and leadership develop-*  
 14                    *ment; and*

15                    *(iii) the degree to which recipients of*  
 16                    *employment and training activities are in-*  
 17                    *formed of the possibility of, or directed to*  
 18                    *begin, training or education needed for en-*  
 19                    *trance into nontraditional occupations.*

20            (E)   *STUDY ON PERFORMANCE INDICA-*  
 21            *TORS.—*

22                    *(i) IN GENERAL.—The Secretary of*  
 23                    *Labor, in coordination with the Secretary*  
 24                    *of Education, may conduct studies to deter-*  
 25                    *mine the feasibility of, and potential means*

1           to replicate, measuring the compensation,  
 2           including the wages, benefits, and other in-  
 3           centives provided by an employer, received  
 4           by program participants by using data  
 5           other than or in addition to data available  
 6           through wage records, for potential use as a  
 7           performance indicator.

8                   (ii) *REPORT.*—The Secretary shall pre-  
 9           pare and disseminate to the public, includ-  
 10          ing through electronic means, a report con-  
 11          taining the results of any study conducted  
 12          under this subparagraph.

13           (F) *STUDY ON JOB TRAINING FOR RECIPI-*  
 14          *ENTS OF PUBLIC HOUSING ASSISTANCE.*—

15                   (i) *IN GENERAL.*—The Secretary of  
 16          Labor, in coordination with the Secretary  
 17          of Housing and Urban Development, may  
 18          conduct studies to assist public housing au-  
 19          thorities to provide, to recipients of public  
 20          housing assistance, job training programs  
 21          that successfully upgrade job skills and em-  
 22          ployment in, and access to, jobs with oppor-  
 23          tunity for advancement and economic self-  
 24          sufficiency for such recipients.

1                   (ii) *REPORT.*—*The Secretary shall pre-*  
 2                   *pare and disseminate to the public, includ-*  
 3                   *ing through electronic means, a report con-*  
 4                   *taining the results of any study conducted*  
 5                   *under this subparagraph.*

6                   (G) *STUDY ON IMPROVING EMPLOYMENT*  
 7                   *PROSPECTS FOR OLDER INDIVIDUALS.*—

8                   (i) *IN GENERAL.*—*The Secretary of*  
 9                   *Labor, in coordination with the Secretary*  
 10                  *of Education and the Secretary of Health*  
 11                  *and Human Services, may conduct studies*  
 12                  *that lead to better design and implementa-*  
 13                  *tion of, in conjunction with employers, local*  
 14                  *boards or State boards, community colleges*  
 15                  *or area career and technical education*  
 16                  *schools, and other organizations, effective*  
 17                  *evidence-based strategies to provide services*  
 18                  *to workers who are low-income, low-skilled*  
 19                  *older individuals that increase the workers’*  
 20                  *skills and employment prospects.*

21                  (ii) *REPORT.*—*The Secretary shall pre-*  
 22                  *pare and disseminate to the public, includ-*  
 23                  *ing through electronic means, a report con-*  
 24                  *taining the results of any study conducted*  
 25                  *under this subparagraph.*

1                   (H) *STUDY ON PRIOR LEARNING.*—

2                   (i) *IN GENERAL.*—*The Secretary of*  
 3                   *Labor, in coordination with other heads of*  
 4                   *Federal agencies, as appropriate, may con-*  
 5                   *duct studies that, through convening stake-*  
 6                   *holders from the fields of education, work-*  
 7                   *force, business, labor, defense, and veterans*  
 8                   *services, and experts in such fields, develop*  
 9                   *guidelines for assessing, accounting for, and*  
 10                  *utilizing the prior learning of individuals,*  
 11                  *including dislocated workers and veterans,*  
 12                  *in order to provide the individuals with*  
 13                  *postsecondary educational credit for such*  
 14                  *prior learning that leads to the attainment*  
 15                  *of a recognized postsecondary credential*  
 16                  *identified under section 222(d) and employ-*  
 17                  *ment.*

18                  (ii) *REPORT.*—*The Secretary shall pre-*  
 19                  *pare and disseminate to the public, includ-*  
 20                  *ing through electronic means, reports con-*  
 21                  *taining the results of the studies conducted.*

22                  (5) *MULTISTATE PROJECTS.*—

23                  (A) *AUTHORITY.*—*The Secretary may,*  
 24                  *through grants or contracts, carry out multistate*  
 25                  *projects that require demonstrated expertise that*

1        *is available at the national level to effectively*  
 2        *disseminate best practices and models for imple-*  
 3        *menting employment and training services, ad-*  
 4        *dress the specialized employment and training*  
 5        *needs of particular service populations, or ad-*  
 6        *dress industry-wide skill shortages, to the extent*  
 7        *such projects are consistent with the priorities*  
 8        *specified in the plan published under paragraph*  
 9        *(1).*

10            (B) *DESIGN OF GRANTS.*—*Agreements for*  
 11        *grants or contracts awarded under this para-*  
 12        *graph shall be designed to obtain information re-*  
 13        *lating to the provision of services under different*  
 14        *economic conditions or to various demographic*  
 15        *groups in order to provide guidance at the na-*  
 16        *tional and State levels about how best to admin-*  
 17        *ister specific employment and training services.*

18            (6) *LIMITATIONS.*—

19            (A) *COMPETITIVE AWARDS.*—*A grant or*  
 20        *contract awarded for carrying out a project*  
 21        *under this subsection in an amount that exceeds*  
 22        *\$100,000 shall be awarded only on a competitive*  
 23        *basis, except that a noncompetitive award may*  
 24        *be made in the case of a project that is funded*  
 25        *jointly with other public or private sector enti-*

ties that provide a substantial portion of assistance under the grant or contract for the project.

(B) *TIME LIMITS.*—A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.

(C) *PEER REVIEW.*—

(i) *IN GENERAL.*—The Secretary shall utilize a peer review process—

(I) to review and evaluate all applications for grants in amounts that exceed \$500,000 that are submitted under this section; and

(II) to review and designate exemplary and promising programs under this section.

(ii) *AVAILABILITY OF FUNDS.*—The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.

(D) *PRIORITY.*—In awarding grants or contracts under this subsection, priority shall be provided to entities with recognized expertise in the methods, techniques, and knowledge of work-

1           *force investment activities. The Secretary shall*  
2           *establish appropriate time limits for the dura-*  
3           *tion of such projects.*

4           *(c) DISLOCATED WORKER PROJECTS.—Of the amount*  
5           *made available pursuant to section 232(a)(2)(A) for any*  
6           *program year, the Secretary shall use not more than 10*  
7           *percent of such amount to carry out demonstration and*  
8           *pilot projects, multiservice projects, and multistate projects*  
9           *relating to the employment and training needs of dislocated*  
10          *workers. Of the requirements of this section, such projects*  
11          *shall be subject only to the provisions relating to review and*  
12          *evaluation of applications under subsection (b)(6)(C). Such*  
13          *projects may include demonstration and pilot projects relat-*  
14          *ing to promoting self-employment, promoting job creation,*  
15          *averting dislocations, assisting dislocated farmers, assisting*  
16          *dislocated fishermen, and promoting public works. Such*  
17          *projects shall be administered by the Secretary, acting*  
18          *through the Assistant Secretary for Employment and*  
19          *Training.*

20          *(d) ENERGY EFFICIENCY AND RENEWABLE ENERGY*  
21          *WORKER TRAINING PROGRAM.—*

22                 *(1) GRANT PROGRAM.—*

23                         *(A) IN GENERAL.—Not later than 6 months*  
24                         *after the date of enactment of the Green Jobs Act*  
25                         *of 2007, the Secretary of Labor, in consultation*



1       *with the Secretary of Energy, shall establish an*  
2       *energy efficiency and renewable energy worker*  
3       *training program under which the Secretary of*  
4       *Labor shall carry out the activities described in*  
5       *paragraph (2) to achieve the purposes of this*  
6       *subsection.*

7               *(B) ELIGIBILITY.—For purposes of pro-*  
8       *viding assistance and services under the program*  
9       *established under this subsection—*

10               *(i) target populations of eligible indi-*  
11       *viduals to be given priority for training*  
12       *and other services shall include—*

13               *(I) workers impacted by national*  
14       *energy and environmental policy;*

15               *(II) individuals in need of up-*  
16       *dated training related to the energy ef-*  
17       *iciency and renewable energy indus-*  
18       *tries;*

19               *(III) veterans, or past and present*  
20       *members of reserve components of the*  
21       *Armed Forces;*

22               *(IV) unemployed individuals;*

23               *(V) individuals, including at-risk*  
24       *youth, seeking employment pathways*

1           *out of poverty and into economic self-*  
 2           *sufficiency; and*

3                     *(VI) formerly incarcerated, adju-*  
 4                     *dicated, nonviolent offenders; and*

5                     *(ii) energy efficiency and renewable en-*  
 6           *ergy industries eligible to participate in a*  
 7           *program under this subsection include—*

8                     *(I) the energy-efficient building,*  
 9                     *construction, and retrofits industries;*

10                    *(II) the renewable electric power*  
 11                    *industry;*

12                    *(III) the energy efficient and ad-*  
 13                    *vanced drive train vehicle industry;*

14                    *(IV) the biofuels industry;*

15                    *(V) the materials use industry;*

16                    *(VI) the energy efficiency assess-*  
 17                    *ment industry serving the residential,*  
 18                    *commercial, or industrial sectors; and*

19                    *(VII) manufacturers that produce*  
 20                    *sustainable products using environ-*  
 21                    *mentally sustainable processes and ma-*  
 22                    *terials.*

23           (2) *ACTIVITIES.—*

24                    (A) *NATIONAL RESEARCH PROGRAM.—*

25           *Under the program established under paragraph*

1           *(1), the Secretary, acting through the Commis-*  
2           *sioner of the Bureau of Labor Statistics, where*  
3           *appropriate, shall collect and analyze labor mar-*  
4           *ket data to track workforce trends resulting from*  
5           *energy-related initiatives carried out under this*  
6           *subsection. Activities carried out under this sub-*  
7           *paragraph shall include—*

8                     *(i) tracking and documentation of aca-*  
9                     *demic and occupational competencies as*  
10                    *well as future skill needs with respect to re-*  
11                    *newable energy and energy efficiency tech-*  
12                    *nology;*

13                    *(ii) tracking and documentation of oc-*  
14                    *cupational information and workforce*  
15                    *training data with respect to renewable en-*  
16                    *ergy and energy efficiency technology;*

17                    *(iii) collaborating with State agencies,*  
18                    *State boards, local boards, industry, orga-*  
19                    *nized labor, and community and nonprofit*  
20                    *organizations to disseminate information on*  
21                    *successful strategies for labor market serv-*  
22                    *ices and worker training with respect to re-*  
23                    *newable energy and energy efficiency tech-*  
24                    *nology;*

1                   (iv) serving as a clearinghouse for best  
2                   practices in workforce development, job  
3                   placement, and collaborative training part-  
4                   nerships;

5                   (v) encouraging the establishment of  
6                   workforce training initiatives with respect  
7                   to renewable energy and energy efficiency  
8                   technologies;

9                   (vi) linking research and development  
10                  in renewable energy and energy efficiency  
11                  technology with the development of stand-  
12                  ards and curricula for current and future  
13                  jobs;

14                  (vii) assessing new employment and  
15                  work practices including career ladder and  
16                  upgrade training as well as high perform-  
17                  ance work systems; and

18                  (viii) providing technical assistance  
19                  and capacity building to national and  
20                  State energy partnerships, including indus-  
21                  try and labor representatives.

22                  (B) NATIONAL ENERGY TRAINING PARTNER-  
23                  SHIP GRANTS.—

24                  (i) IN GENERAL.—Under the program  
25                  established under paragraph (1), the Sec-

1           retary shall award National Energy Train-  
2           ing Partnerships Grants on a competitive  
3           basis to eligible entities to enable such enti-  
4           ties to carry out training that leads to eco-  
5           nomic self-sufficiency and to develop an en-  
6           ergy efficiency and renewable energy indus-  
7           tries workforce. Grants shall be awarded  
8           under this subparagraph so as to ensure ge-  
9           ographic diversity with at least 2 grants  
10          awarded to entities located in each of the  
11          Petroleum Administration for Defense Dis-  
12          tricts with no subdistricts, and at least 1  
13          grant awarded to an entity located in each  
14          of the subdistricts of the Petroleum Admin-  
15          istration for Defense District with subdis-  
16          tricts.

17               (ii) *ELIGIBILITY.*—To be eligible to re-  
18          ceive a grant under clause (i), an entity  
19          shall be a nonprofit partnership that—

20                   (I) includes the equal participa-  
21                  tion of industry, including public or  
22                  private employers, and labor organiza-  
23                  tions, including joint labor-manage-  
24                  ment training programs, and may in-  
25                  clude State boards, local boards, com-

1 *munity-based organizations, qualified*  
2 *service and conservation corps, edu-*  
3 *cational institutions, small businesses,*  
4 *cooperatives, State and local veterans*  
5 *agencies, and veterans service organi-*  
6 *zations; and*

7 *(II) demonstrates—*

8 *(aa) experience in imple-*  
9 *menting and operating worker*  
10 *skills training and education pro-*  
11 *grams;*

12 *(bb) the ability to identify*  
13 *and involve in training programs*  
14 *carried out under this grant, tar-*  
15 *get populations of individuals*  
16 *who would benefit from training*  
17 *and be actively involved in activi-*  
18 *ties related to energy efficiency*  
19 *and renewable energy industries;*  
20 *and*

21 *(cc) the ability to help indi-*  
22 *viduals achieve economic self-suf-*  
23 *ficiency.*

24 *(iii) PRIORITY.—Priority shall be*  
25 *given to partnerships which leverage addi-*

1            *tional public and private resources to fund*  
2            *training programs, including cash or in-*  
3            *kind matches from participating employers.*

4            *(C) STATE LABOR MARKET RESEARCH, IN-*  
5            *FORMATION, AND LABOR EXCHANGE RESEARCH*  
6            *PROGRAM.—*

7            *(i) IN GENERAL.—Under the program*  
8            *established under paragraph (1), the Sec-*  
9            *retary shall award competitive grants to*  
10           *States to enable such States to administer*  
11           *labor market and labor exchange informa-*  
12           *tion programs that include the implementa-*  
13           *tion of the activities described in clause (ii),*  
14           *in coordination with the one-stop delivery*  
15           *system.*

16           *(ii) ACTIVITIES.—A State shall use*  
17           *amounts awarded under a grant under this*  
18           *subparagraph to provide funding to the*  
19           *State agency that administers the Wagner-*  
20           *Peyser Act (29 U.S.C. 49 et seq.) and State*  
21           *unemployment compensation programs to*  
22           *carry out the following activities using*  
23           *State agency merit staff:*

1                   (I) *The identification of job open-*  
 2                   *ings in the renewable energy and en-*  
 3                   *ergy efficiency sector.*

4                   (II) *The administration of skill*  
 5                   *and aptitude testing and assessment*  
 6                   *for workers.*

7                   (III) *The counseling, career plan-*  
 8                   *ning, and referral of qualified job seek-*  
 9                   *ers to openings and training programs,*  
 10                   *including energy efficiency and renew-*  
 11                   *able energy training programs.*

12                   (D) *STATE ENERGY TRAINING PARTNERSHIP*  
 13                   *PROGRAMS.—*

14                   (i) *IN GENERAL.—Under the program*  
 15                   *established under paragraph (1), the Sec-*  
 16                   *retary shall award competitive grants to*  
 17                   *States to enable such States to administer*  
 18                   *renewable energy and energy efficiency*  
 19                   *workforce development programs that in-*  
 20                   *clude the implementation of the activities*  
 21                   *described in clause (ii).*

22                   (ii) *PARTNERSHIPS.—A State shall use*  
 23                   *amounts awarded under a grant under this*  
 24                   *subparagraph to award competitive grants*  
 25                   *to eligible State Energy Sector Partnerships*



1           to enable such Partnerships to coordinate  
2           with existing apprenticeship and labor  
3           management training programs and imple-  
4           ment training programs that lead to the  
5           economic self-sufficiency of trainees.

6           (iii) *ELIGIBILITY.*—To be eligible to re-  
7           ceive a grant under this subparagraph, a  
8           State Energy Sector Partnership shall—

9                   (I) consist of nonprofit organiza-  
10                  tions that include equal participation  
11                  from industry, including public or pri-  
12                  vate nonprofit employers, and labor or-  
13                  ganizations, including joint labor-  
14                  management training programs, and  
15                  may include representatives from local  
16                  governments, the workforce develop-  
17                  ment system (including one-stop cen-  
18                  ters), community-based organizations,  
19                  qualified service and conservation  
20                  corps, community colleges and other  
21                  institutions of higher education, small  
22                  businesses, cooperatives, State and  
23                  local veterans agencies, and veterans  
24                  service organizations;

1                   (II) demonstrate experience in im-  
2                   plementing and operating worker skills  
3                   training and education programs; and

4                   (III) demonstrate the ability to  
5                   identify and involve in training pro-  
6                   grams, target populations of workers  
7                   who would benefit from training and  
8                   be actively involved in activities re-  
9                   lated to energy efficiency and renew-  
10                  able energy industries.

11               (iv) *PRIORITY.*—In awarding grants  
12               under this subparagraph, the Secretary  
13               shall give priority to States that dem-  
14               onstrate that activities under the grant—

15                   (I) meet national energy policies  
16                   associated with energy efficiency, re-  
17                   newable energy, and the reduction of  
18                   emissions of greenhouse gases;

19                   (II) meet State energy policies as-  
20                   sociated with energy efficiency, renew-  
21                   able energy, and the reduction of emis-  
22                   sions of greenhouse gases; and

23                   (III) leverage additional public  
24                   and private resources to fund training

1                    *programs, including cash or in-kind*  
 2                    *matches from participating employers.*

3                    *(v) COORDINATION.—A grantee under*  
 4                    *this subparagraph shall coordinate activi-*  
 5                    *ties carried out under the grant with exist-*  
 6                    *ing other appropriate training programs,*  
 7                    *including apprenticeship and labor man-*  
 8                    *agement training programs and activities*  
 9                    *(including such activities referenced in*  
 10                    *paragraph (3)(A)), and implement training*  
 11                    *programs that lead to the economic self-suf-*  
 12                    *ficiency of trainees.*

13                    *(E) PATHWAYS OUT OF POVERTY DEM-*  
 14                    *ONSTRATION PROGRAM.—*

15                    *(i) IN GENERAL.—Under the program*  
 16                    *established under paragraph (1), the Sec-*  
 17                    *retary shall award competitive grants of*  
 18                    *sufficient size to eligible entities to enable*  
 19                    *such entities to carry out training that*  
 20                    *leads to economic self-sufficiency. The Sec-*  
 21                    *retary shall give priority to entities that*  
 22                    *serve individuals in families with income of*  
 23                    *less than 200 percent of the economic self-*  
 24                    *sufficiency standard for the local areas*  
 25                    *where the training is conducted that speci-*

1 *fies, as defined by the State, or where such*  
 2 *standard is not established, the income*  
 3 *needs of families, by family size, the number*  
 4 *and ages of children in the family, and sub-*  
 5 *State geographical considerations. Grants*  
 6 *shall be awarded to ensure geographic diver-*  
 7 *sity.*

8 *(ii) ELIGIBLE ENTITIES.—To be eligi-*  
 9 *ble to receive a grant under this subpara-*  
 10 *graph, an entity shall be a partnership*  
 11 *that—*

12 *(I) includes—*

13 *(aa) a State board or local*  
 14 *board;*

15 *(bb) community-based non-*  
 16 *profit organizations;*

17 *(cc) educational institutions*  
 18 *with expertise in serving low-in-*  
 19 *come adults or youth;*

20 *(dd) public or private em-*  
 21 *ployers from the industry sectors*  
 22 *described in paragraph (1)(B)(ii);*  
 23 *and*

1                    *(ee) labor organizations rep-*  
2                    *resenting workers in such indus-*  
3                    *try sectors;*

4                    *(II) demonstrates a record of suc-*  
5                    *cessful experience in implementing and*  
6                    *operating worker skills training and*  
7                    *education programs;*

8                    *(III) coordinates activities, where*  
9                    *appropriate, with the workforce devel-*  
10                   *opment system; and*

11                   *(IV) demonstrates the ability to*  
12                   *recruit individuals for training and to*  
13                   *support such individuals to successful*  
14                   *completion in training programs car-*  
15                   *ried out under this grant, targeting*  
16                   *populations of workers who are or will*  
17                   *be engaged in activities related to en-*  
18                   *ergy efficiency and renewable energy*  
19                   *industries.*

20                   *(iii) PRIORITIES.—In awarding grants*  
21                   *under this subparagraph, the Secretary*  
22                   *shall give priority to applicants that—*

23                   *(I) target programs to benefit low-*  
24                   *income workers, unemployed youth and*  
25                   *adults, school dropouts, or other under-*

1           *served sectors of the workforce within*  
2           *areas of high poverty;*

3                     *(II) ensure that supportive serv-*  
4                     *ices are integrated with education and*  
5                     *training, and delivered by organiza-*  
6                     *tions with direct access to and experi-*  
7                     *ence with targeted populations;*

8                     *(III) leverage additional public*  
9                     *and private resources to fund training*  
10                    *programs, including cash or in-kind*  
11                    *matches from participating employers;*

12                    *(IV) involve employers and labor*  
13                    *organizations in the determination of*  
14                    *relevant skills and competencies and*  
15                    *ensure that the certificates or creden-*  
16                    *tials that result from the training are*  
17                    *recognized postsecondary credentials*  
18                    *identified under section 222(d);*

19                    *(V) deliver courses at alternative*  
20                    *times (such as evening and weekend*  
21                    *programs) and locations most conven-*  
22                    *ient and accessible to participants and*  
23                    *link adult remedial education with oc-*  
24                    *cupational skills training; and*

1                   (VI) *demonstrate substantial expe-*  
2                   *rience in administering Federal, State,*  
3                   *local, municipal, foundation, or pri-*  
4                   *vate entity grants.*

5                   (iv) *DATA COLLECTION.—A grantee*  
6                   *under this subparagraph shall collect and*  
7                   *report the following information with re-*  
8                   *spect to the program carried out under the*  
9                   *grant:*

10                   (I) *The number of participants.*

11                   (II) *The demographic characteris-*  
12                   *tics of participants, including race,*  
13                   *gender, age, parenting status, partici-*  
14                   *pation in other Federal programs, edu-*  
15                   *cation and literacy level at entry, and*  
16                   *other characteristics that are signifi-*  
17                   *cant barriers to employment (such as*  
18                   *being an English language learner or*  
19                   *having a criminal record, addiction or*  
20                   *mental health problem requiring treat-*  
21                   *ment, or intellectual disability).*

22                   (III) *The services received by par-*  
23                   *ticipants, including training, edu-*  
24                   *cation, and supportive services.*

1 (IV) *The amount of program*  
 2 *spending per participant.*

3 (V) *Program completion rates.*

4 (VI) *Factors determined as sig-*  
 5 *nificantly interfering with program*  
 6 *participation or completion.*

7 (VII) *The rate of job placement*  
 8 *and the rate of employment retention*  
 9 *after 1 year.*

10 (VIII) *The average wage at place-*  
 11 *ment, including any benefits, and the*  
 12 *rate of average wage increase after 1*  
 13 *year.*

14 (IX) *Any post-employment sup-*  
 15 *portive services provided.*

16 (v) *ASSISTANCE.*—*The Secretary shall*  
 17 *assist grantees in the collection of data*  
 18 *under clause (iv) by making available,*  
 19 *where practicable, low-cost means of track-*  
 20 *ing the labor market outcomes of partici-*  
 21 *pants, and by providing standardized re-*  
 22 *porting forms, where appropriate.*

23 (3) *ACTIVITIES.*—

24 (A) *IN GENERAL.*—*Activities to be carried*  
 25 *out under a program authorized by subpara-*



1           *graph (B), (D), or (E) of paragraph (2) shall be*  
2           *coordinated with existing systems or providers,*  
3           *as appropriate. Such activities may include—*

4                     *(i) occupational skills training, includ-*  
5                     *ing curriculum development, on-the-job*  
6                     *training, and classroom training;*

7                     *(ii) safety and health training;*

8                     *(iii) the provision of—*

9                         *(I) adult education and literary*  
10                        *activities, English as a second lan-*  
11                        *guage instruction, or job readiness*  
12                        *training; or*

13                        *(II) training leading to the at-*  
14                        *tainment of the recognized equivalent*  
15                        *of a secondary school diploma;*

16                     *(iv) individual referral and tuition as-*  
17                     *sistance for a community college training*  
18                     *program, or any training program leading*  
19                     *to an industry-recognized certificate identi-*  
20                     *fied under section 222(d);*

21                     *(v) internship programs in fields re-*  
22                     *lated to energy efficiency and renewable en-*  
23                     *ergy;*

1                   (vi) *customized training in conjunc-*  
 2                   *tion with an existing apprenticeship pro-*  
 3                   *gram or labor-management partnership;*

4                   (vii) *incumbent worker and career lad-*  
 5                   *der training and skill upgrading and re-*  
 6                   *training;*

7                   (viii) *the implementation of transi-*  
 8                   *tional jobs strategies; and*

9                   (ix) *the provision of supportive serv-*  
 10                  *ices.*

11               (B) *OUTREACH ACTIVITIES.—In addition to*  
 12               *the activities authorized under subparagraph*  
 13               *(A), activities authorized for programs under*  
 14               *subparagraph (E) of paragraph (2) may include*  
 15               *the provision of outreach, recruitment, career*  
 16               *guidance, and career planning services.*

17               (4) *WORKER PROTECTIONS AND NONDISCRIMINA-*  
 18               *TION REQUIREMENTS.—*

19               (A) *APPLICATION OF WIA.—The provisions*  
 20               *of sections 281 and 288 shall apply to all pro-*  
 21               *grams carried out with assistance under this*  
 22               *subsection.*

23               (B) *CONSULTATION WITH LABOR ORGANIZA-*  
 24               *TIONS.—If a labor organization represents a sub-*  
 25               *stantial number of workers who are engaged in*

1        *similar work or training in an area that is the*  
 2        *same as the area that is proposed to be funded*  
 3        *under this subsection, the labor organization*  
 4        *shall be provided an opportunity to be consulted*  
 5        *and to submit comments in regard to such a pro-*  
 6        *posal.*

7        (5)    *PERFORMANCE ACCOUNTABILITY MEAS-*  
 8        *URES.—*

9                (A) *IN GENERAL.—The Secretary shall ne-*  
 10        *gotiate and reach agreement with each eligible*  
 11        *entity that receives a grant or assistance under*  
 12        *this subsection on performance accountability*  
 13        *measures that will be used to evaluate the per-*  
 14        *formance of the eligible entity in carrying out*  
 15        *the activities described in paragraph (2). Such*  
 16        *performance accountability measures shall con-*  
 17        *sist of indicators of performance (including the*  
 18        *primary indicators of performance described in*  
 19        *section 131(b)(2)(A)), and an adjusted level of*  
 20        *performance described in subparagraph (B) for*  
 21        *each indicator of performance.*

22                (B) *ADJUSTED LEVELS OF PERFORM-*  
 23        *ANCE.—The Secretary shall negotiate and reach*  
 24        *agreement with the eligible entity regarding the*  
 25        *adjusted levels of performance expected to be*

1       *achieved by the eligible entity on the indicators*  
2       *of performance.*

3       (6) *REPORT.*—

4               (A) *STATUS REPORT.*—*Not later than 18*  
5       *months after the date of enactment of the Green*  
6       *Jobs Act of 2007, the Secretary shall transmit a*  
7       *report to the Committee on Education and the*  
8       *Workforce and the Committee on Energy and*  
9       *Commerce of the House of Representatives, and*  
10       *the Committee on Energy and Natural Resources*  
11       *and the Committee on Health, Education, Labor,*  
12       *and Pensions of the Senate, on the training pro-*  
13       *gram established under this subsection. The re-*  
14       *port shall include a description of the entities re-*  
15       *ceiving funding and the activities carried out by*  
16       *such entities.*

17              (B) *EVALUATION.*—*Not later than 3 years*  
18       *after the date of enactment of such Act, the Sec-*  
19       *retary shall transmit to the Committee on Edu-*  
20       *cation and the Workforce and the Committee on*  
21       *Energy and Commerce of the House of Rep-*  
22       *resentatives, and the Committee on Energy and*  
23       *Natural Resources and the Committee on Health,*  
24       *Education, Labor, and Pensions of the Senate,*  
25       *an assessment of such program and an evalua-*

1           *tion of the activities carried out by entities re-*  
 2           *ceiving funding from such program.*

3           (7) *DEFINITION.*—*As used in this subsection, the*  
 4           *term “renewable energy” has the meaning given such*  
 5           *term in section 203(b)(2) of the Energy Policy Act of*  
 6           *2005 (42 U.S.C. 15852(b)(2)).*

7           (8) *AUTHORIZATION OF APPROPRIATIONS.*—  
 8           *There is authorized to be appropriated to carry out*  
 9           *this subsection, \$125,000,000 for each fiscal year, of*  
 10          *which—*

11                 (A) *not to exceed 20 percent of the amount*  
 12                 *appropriated for each such fiscal year shall be*  
 13                 *made available for, and shall be equally divided*  
 14                 *between, the national labor market research pro-*  
 15                 *gram under paragraph (2)(A) and State labor*  
 16                 *market information and labor exchange research*  
 17                 *under paragraph (2)(C), and not more than 2*  
 18                 *percent of such amount shall be for the evalua-*  
 19                 *tion and report required under paragraph (6);*

20                 (B) *20 percent shall be dedicated to Path-*  
 21                 *ways Out of Poverty Demonstration Programs*  
 22                 *under paragraph (2)(E); and*

23                 (C) *the remainder shall be divided equally*  
 24                 *between National Energy Training Partnership*  
 25                 *Grants under paragraph (2)(B) and State en-*

1            *ergy training partnership grants under para-*  
 2            *graph (2)(D).*

3            *(e) INTEGRATED WORKFORCE TRAINING PROGRAMS*  
 4            *FOR ADULTS WHO ARE ENGLISH LANGUAGE LEARNERS.—*

5            *(1) DEFINITIONS.—In this subsection:*

6            *(A) INTEGRATED WORKFORCE TRAINING.—*

7            *The term “integrated workforce training” means*  
 8            *training that integrates occupational skills*  
 9            *training with English language acquisition.*

10           *(B) SECRETARY.—The term “Secretary”*  
 11           *means the Secretary of Labor, in consultation*  
 12           *with the Secretary of Education.*

13           *(2) DEMONSTRATION PROJECT.—From funds ap-*  
 14           *propriated pursuant to paragraph (11), the Secretary*  
 15           *shall establish and implement a national demonstra-*  
 16           *tion project that is designed to both analyze and pro-*  
 17           *vide data on workforce training programs that inte-*  
 18           *grate English language acquisition and occupational*  
 19           *or skills training.*

20           *(3) GRANTS.—*

21           *(A) IN GENERAL.—In carrying out the dem-*  
 22           *onstration project under this subsection, the Sec-*  
 23           *retary shall make not less than 10 grants, on a*  
 24           *competitive basis, to eligible entities to provide*  
 25           *the integrated workforce training programs. In*

1        *awarding grants under this subsection, the Sec-*  
 2        *retary shall take into consideration awarding*  
 3        *grants to eligible entities from diverse geographic*  
 4        *areas, including rural areas.*

5                *(B) PERIODS.—The Secretary shall award*  
 6        *a grant under this subsection for a period of not*  
 7        *less than 24 months and not more than 48*  
 8        *months.*

9        *(4) ELIGIBLE ENTITIES.—*

10               *(A) IN GENERAL.—To be eligible to receive*  
 11        *a grant under this subsection, an eligible entity*  
 12        *shall work in partnership with a local board and*  
 13        *shall include as a principal participant 1 or*  
 14        *more of the following:*

15                *(i) An employer or employer associa-*  
 16        *tion.*

17                *(ii) A nonprofit provider of English*  
 18        *language instruction.*

19                *(iii) A provider of occupational or*  
 20        *skills training.*

21                *(iv) A community-based organization.*

22                *(v) An institution of higher education,*  
 23        *including a 2-year or 4-year degree-grant-*  
 24        *ing institution of higher education, or a*  
 25        *postsecondary vocational institution, as de-*

1           *defined in section 102(c) of the Higher Edu-*  
 2           *cation Act of 1965 (20 U.S.C. 1002(c)).*

3           *(vi) A labor organization.*

4           *(B) EXPERTISE.—To be eligible to receive a*  
 5           *grant under this subsection, an eligible entity*  
 6           *shall have proven expertise in—*

7                   *(i) serving individuals who are*  
 8                   *English language learners, including indi-*  
 9                   *viduals with lower levels of oral and written*  
 10                  *English; and*

11                  *(ii) providing workforce programs with*  
 12                  *training and English language instruction.*

13           *(5) APPLICATIONS.—*

14                  *(A) IN GENERAL.—To be eligible to receive*  
 15                  *a grant under this subsection, an eligible entity*  
 16                  *shall submit an application to the Secretary at*  
 17                  *such time, in such manner, and containing such*  
 18                  *information as the Secretary may require.*

19                  *(B) CONTENTS.—Each application sub-*  
 20                  *mitted under subparagraph (A) shall—*

21                   *(i) contain information, including ca-*  
 22                   *pability statements, that demonstrate that*  
 23                   *the eligible entity has the expertise described*  
 24                   *in paragraph (4)(B); and*



1                   (ii) include an assurance that the pro-  
2                   gram to be assisted will—

3                   (I) establish a generalized adult  
4                   bilingual workforce training and edu-  
5                   cation model that integrates English  
6                   language acquisition and occupational  
7                   or skills training, and incorporates the  
8                   unique linguistic and cultural factors  
9                   of the participants;

10                  (II) establish a framework by  
11                  which the employer, employee, and rel-  
12                  evant members of the eligible entity  
13                  can create a career development and  
14                  training plan that assists both the em-  
15                  ployer and the employee to meet their  
16                  long-term needs;

17                  (III) ensure that the framework  
18                  established under subclause (II) takes  
19                  into consideration the knowledge, skills,  
20                  and abilities of the employee with re-  
21                  spect to both the current economic con-  
22                  ditions of the employer and the future  
23                  labor market conditions relevant to the  
24                  local area; and

1                   (IV) *establish identifiable per-*  
 2                   *formance accountability measures that*  
 3                   *include the primary indicators of per-*  
 4                   *formance described in section*  
 5                   *131(b)(2)(A)(i), so that the progress of*  
 6                   *the employee and employer and the rel-*  
 7                   *ative efficacy of the program can be*  
 8                   *evaluated and best practices identified.*

9                   (6) *CRITERIA.—The Secretary shall establish cri-*  
 10                  *teria for awarding grants under this subsection.*

11                  (7) *INTEGRATED WORKFORCE TRAINING PRO-*  
 12                  *GRAMS.—*

13                  (A) *PROGRAM COMPONENTS.—*

14                   (i) *REQUIRED COMPONENTS.—Each*  
 15                   *entity that receives funding under this sub-*  
 16                   *section shall—*

17                           (I) *test an individual's English*  
 18                           *language proficiency levels to assess*  
 19                           *oral and literacy gains from entry into*  
 20                           *the program and throughout program*  
 21                           *enrollment;*

22                           (II) *combine training specific to a*  
 23                           *particular occupation or occupational*  
 24                           *cluster with—*

1                   (aa) *English language in-*  
 2                   *struction, such as instruction*  
 3                   *through an English as a Second*  
 4                   *Language program or an English*  
 5                   *for Speakers of Other Languages*  
 6                   *program;*

7                   (bb) *basic skills instruction;*  
 8                   *and*

9                   (cc) *supportive services;*  
 10                  (III) *effectively integrate public*  
 11                  *and private sector entities, including*  
 12                  *the local workforce development system*  
 13                  *and its functions, to achieve the goals*  
 14                  *of the program; and*

15                  (IV) *provide from private or non-*  
 16                  *profit sources a matching amount, in*  
 17                  *cash or in-kind, to carry out the activi-*  
 18                  *ties supported by the grant.*

19                  (ii) *PERMISSIBLE COMPONENTS.—The*  
 20                  *program may offer other services as nec-*  
 21                  *essary to promote successful participation*  
 22                  *in and completion of the program, includ-*  
 23                  *ing work-based learning, substance abuse*  
 24                  *treatment, and mental health services.*

1           (B) *GOAL.*—*Each program that receives*  
2           *funding under this subsection shall be designed*  
3           *to prepare adults who are English language*  
4           *learners for, and place such adults in, employ-*  
5           *ment in growing industries with identifiable ca-*  
6           *reer pathways that lead to economic self-suffi-*  
7           *ciency.*

8           (C) *PROGRAM TYPES.*—*In selecting pro-*  
9           *grams to receive funding under this subsection,*  
10          *the Secretary shall select programs that meet the*  
11          *requirements of 1 or more of the following*  
12          *clauses:*

13               (i) *A program—*

14                       (I) *that serves unemployed*  
15                       *English language learners with signifi-*  
16                       *cant work experience or substantial*  
17                       *education whose previous employment*  
18                       *provided persistently low wages; and*

19                       (II) *that aims to prepare such in-*  
20                       *dividuals for, and place such individ-*  
21                       *uals in, higher-paying employment de-*  
22                       *finied for purposes of this subparagraph*  
23                       *as employment that provides at least*  
24                       *75 percent of the median wage in the*  
25                       *local area.*

1 (ii) *A program—*

2 (I) *that serves English language*  
 3 *learners with lower levels of oral and*  
 4 *written fluency, who are working at*  
 5 *persistently low wages; and*

6 (II) *that aims to prepare such in-*  
 7 *dividuals for, and place such individ-*  
 8 *uals in, higher paying employment*  
 9 *through services provided at the work-*  
 10 *site, or at a location central to several*  
 11 *worksites, during work hours.*

12 (iii) *A program—*

13 (I) *that serves unemployed*  
 14 *English language learners with lower*  
 15 *levels of oral and written fluency, who*  
 16 *have little or no work experience; and*

17 (II) *that aims to prepare such in-*  
 18 *dividuals for, and place such individ-*  
 19 *uals in, employment through services*  
 20 *that include subsidized employment, in*  
 21 *addition to the components required*  
 22 *under subparagraph (A)(i).*

23 (D) *PROGRAM APPROACHES.—*

24 (i) *IN GENERAL.—In selecting pro-*  
 25 *grams to receive funding under this sub-*

1           *section, the Secretary shall select programs*  
2           *with different approaches to integrated*  
3           *workforce training and that are provided in*  
4           *different contexts, in order to—*

5                     *(I) obtain comparative data on*  
6                     *multiple approaches to integrated*  
7                     *workforce training and English lan-*  
8                     *guage instruction;*

9                     *(II) ensure programs are tailored*  
10                    *to characteristics of individuals with*  
11                    *varying skill levels; and*

12                    *(III) assess how different cur-*  
13                    *ricula work for English language*  
14                    *learner populations.*

15                    *(ii) TYPES OF APPROACHES.—The dif-*  
16                    *ferent types of approaches described in*  
17                    *clause (i) may include—*

18                     *(I) bilingual programs in which*  
19                     *the workplace language component and*  
20                     *the training are conducted in a com-*  
21                     *bination of an individual's native lan-*  
22                     *guage and English;*

23                     *(II) integrated workforce training*  
24                     *programs that combine basic skills in-*

1                    *struction, English language instruc-*  
2                    *tion, and job specific skills training; or*

3                    *(III) sequential programs that*  
4                    *provide a progression of skills, lan-*  
5                    *guage, and training to ensure success*  
6                    *upon an individual's completion of the*  
7                    *program.*

8                    *(8) EVALUATION BY ELIGIBLE ENTITY.—Each el-*  
9                    *igible entity that receives a grant under this sub-*  
10                   *section shall carry out a continuous evaluation of the*  
11                   *program funded under the grant and an evaluation*  
12                   *specific to the last phase of the program operations,*  
13                   *and shall submit the evaluations to the Secretary as*  
14                   *required.*

15                   *(9) EVALUATION BY SECRETARY.—*

16                   *(A) IN GENERAL.—The Secretary shall con-*  
17                   *duct an evaluation of program impacts of the*  
18                   *programs funded under the demonstration*  
19                   *project, using an impact study with a random*  
20                   *assignment experimental design at each worksite*  
21                   *at which such a program is carried out.*

22                   *(B) DATA COLLECTION AND ANALYSIS.—The*  
23                   *Secretary shall collect and analyze the data from*  
24                   *the demonstration project under this subsection*  
25                   *to determine the effectiveness of the project, in-*

1       cluding project participants' gains in English  
 2       language proficiency, acquisition of skills, and  
 3       job advancement.

4               (C) *REPORT.*—The Secretary shall prepare  
 5       and submit to the Committee on Education and  
 6       the Workforce of the House of Representatives,  
 7       and the Committee on Health, Education, Labor,  
 8       and Pensions of the Senate and make available  
 9       to the public, a report on the demonstration  
 10      projects supported under this subsection, includ-  
 11      ing the results of the evaluation.

12           (10) *TECHNICAL ASSISTANCE.*—The Secretary  
 13      shall provide technical assistance to recipients of  
 14      grants under this subsection throughout the grant pe-  
 15      riod.

16      (f) *COMMUNITY-BASED JOB TRAINING.*—

17           (1) *DEFINITIONS.*—In this subsection:

18               (A) *COMMUNITY COLLEGE.*—The term  
 19      “community college” means—

20                   (i) an institution of higher education,  
 21                   as defined in section 101 of the Higher  
 22                   Education Act of 1965 (20 U.S.C. 1001),  
 23                   that provides a 2-year degree that is accept-  
 24                   able for full credit toward a baccalaureate  
 25                   degree; or



1                   (ii) a tribally controlled college or uni-  
 2                   versity, as defined in section 2 of the Trib-  
 3                   ally Controlled Colleges and Universities  
 4                   Assistance Act of 1978 (25 U.S.C. 1801).

5                   (B) *ELIGIBLE ENTITY.*—The term “eligible  
 6                   entity” means a partnership between a local  
 7                   board and a community college, a consortium of  
 8                   community colleges, or a consortium composed of  
 9                   a community college and 1 or more institutions  
 10                  of higher education, that is working with—

11                  (i) a business or consortium of busi-  
 12                  nesses in the in-demand industry sector, as  
 13                  identified in the application of the entity,  
 14                  or an industry association in the in-de-  
 15                  mand industry sector; and

16                  (ii) an economic development entity  
 17                  with expertise relevant to the qualified in-  
 18                  dustry.

19                  (C) *INSTITUTION OF HIGHER EDUCATION.*—  
 20                  Except as otherwise provided in subparagraph  
 21                  (A)(i), the term “institution of higher education”  
 22                  has the meaning given the term in section 101  
 23                  of the Higher Education Act of 1965 (20 U.S.C.  
 24                  1001) and the meaning given the term “postsec-

1           ondary vocational institution” in section 102(c)  
2           of such Act (20 U.S.C. 1002(c)).

3           (2) *DEMONSTRATION PROJECT.*—In addition to  
4           the demonstration projects authorized under sub-  
5           section (c), the Secretary, in collaboration with the  
6           Secretary of Education, may establish and implement  
7           a national demonstration project designed—

8                   (A) to develop local innovative solutions to  
9                   the workforce challenges facing in-demand indus-  
10                  try sectors with labor shortages; and

11                  (B) to increase employment opportunities  
12                  for workers by establishing partnerships among  
13                  education entities, State workforce development  
14                  systems, and businesses in in-demand industry  
15                  sectors.

16           (3) *GRANTS.*—

17                   (A) *GRANTS AUTHORIZED.*—In carrying  
18                   out the national demonstration project author-  
19                   ized under this subsection, the Secretary shall  
20                   award grants, on a competitive basis, to eligible  
21                   entities to enable the eligible entities to carry out  
22                   activities described in paragraph (6).

23                   (B) *REQUIREMENTS.*—Grants awarded  
24                   under this subsection shall be for a period of 2,

1           3, or 4 years and shall be awarded in accordance  
2           with generally applicable Federal requirements.

3           (4) *APPLICATIONS.*—To be eligible to receive a  
4           grant under this subsection, an eligible entity shall  
5           submit an application to the Secretary at such time,  
6           in such manner, and containing such information as  
7           the Secretary may require, including—

8                   (A) a description of the entity that will  
9                   offer training under the grant;

10                   (B) a justification of the need for funding  
11                   under the grant to create a program to carry out  
12                   the activities described in paragraph (6);

13                   (C) an economic analysis of the local labor  
14                   market to identify—

15                           (i) in-demand industry sectors and oc-  
16                           cupations;

17                           (ii) the workforce issues faced by such  
18                           industries; and

19                           (iii) potential participants in pro-  
20                           grams funded under this subsection;

21                   (D) a description of the in-demand industry  
22                   sector for which the training will occur, the  
23                   availability of competencies on which the train-  
24                   ing will be based, and how the grant will help

workers acquire the competencies and skills necessary for employment in the industry;

(E) a description of the involvement of the local board and businesses (including small businesses) in the geographic area where the proposed activities under the grant will be implemented;

(F) a description of performance accountability measures for the activities funded under the grant that include the primary indicators of performance described in section 131(b)(2)(A)(i), and other appropriate indicators, including indicators relating to the impact of business partners;

(G) a description of how the activities funded by the grant will be coordinated with activities provided through the one-stop center in the local area; and

(H) a description of the local or private resources that will—

(i) support the activities carried out under this subsection; and

(ii) enable the entity to carry out and expand such activities after the end of the grant period.

(5) *FACTORS FOR AWARD OF GRANT.*—

1           (A) *IN GENERAL.*—*In awarding grants*  
2           *under this subsection, the Secretary shall con-*  
3           *sider—*

4                   (i) *the extent to which the activities to*  
5                   *be carried out under the grant and the*  
6                   *grant application align with the local plan*  
7                   *for the area to be served;*

8                   (ii) *the extent of public and private*  
9                   *collaboration evidenced in the application,*  
10                   *including existing partnerships as of the*  
11                   *time of the application among the in-de-*  
12                   *mand industry sector, the eligible entity,*  
13                   *and the workforce development system;*

14                   (iii) *the extent to which the grant will*  
15                   *provide job seekers with high-quality train-*  
16                   *ing for employment in in-demand occupa-*  
17                   *tions;*

18                   (iv) *the extent to which the grant will*  
19                   *expand the capacity of the eligible entity*  
20                   *and the local one-stop center established*  
21                   *under section 221(e) to be demand-driven*  
22                   *and responsive to local economic needs;*

23                   (v) *the extent to which local businesses*  
24                   *commit to hire, retain, or advance individ-*

1           uals who receive training through the grant;  
2           and

3                   (vi) the extent to which the eligible en-  
4           tity commits to make any newly developed  
5           products, such as skill standards, assess-  
6           ments, or industry-recognized training cur-  
7           ricula, available for dissemination nation-  
8           ally.

9           (B) *LEVERAGING OF RESOURCES.*—In  
10          awarding grants under this subsection, the Sec-  
11          retary shall also consider—

12                   (i) the extent to which local or private  
13           resources will be made available to support  
14           the activities carried out under this sub-  
15           section, taking into account the resources of  
16           the eligible entity and the entity's partners;  
17           and

18                   (ii) the ability of an eligible entity to  
19           continue to carry out and expand such ac-  
20           tivities after the end of the grant.

21           (C) *DISTRIBUTION OF GRANTS.*—In award-  
22          ing grants under this subsection, the Secretary  
23          shall ensure an equitable distribution of such  
24          grants across diverse industries and geographic  
25          areas.

1           (6) *USE OF FUNDS.*—

2                   (A) *MANDATORY USES OF FUNDS.*—*An eli-*  
3 *gible entity that receives a grant under this sub-*  
4 *section shall use the grant funds for all of the fol-*  
5 *lowing:*

6                           (i) *The development of rigorous train-*  
7 *ing and education programs leading to a*  
8 *recognized postsecondary credential identi-*  
9 *fied under section 222(d) and employment*  
10 *in the in-demand industry sector, including*  
11 *programs that are work-based and incor-*  
12 *porate other earn-and-learn strategies. The*  
13 *community college that is a part of the eli-*  
14 *gible entity shall develop such programs, in*  
15 *collaboration with other partners identified*  
16 *in the application, and if applicable, other*  
17 *representatives of qualified industries.*

18                           (ii) *Training adults, incumbent work-*  
19 *ers, dislocated workers, or out-of-school*  
20 *youth in the skills and competencies needed*  
21 *to obtain or upgrade employment in an in-*  
22 *demand industry sector identified in the eli-*  
23 *gible entity's application.*

1           (B) *OPTIONAL USES OF FUNDS.*—An eligi-  
2           ble entity that receives a grant under this sub-  
3           section may use the grant funds for—

4                   (i) disseminating information on  
5                   training available for in-demand occupa-  
6                   tions in in-demand industry sectors, includ-  
7                   ing training available through the grant  
8                   through the one-stop delivery system to pro-  
9                   spective participants, businesses, business  
10                  intermediaries, and community-based orga-  
11                  nizations in the region;

12                  (ii) referring individuals trained  
13                  under the grant for employment in in-de-  
14                  mand industry sectors;

15                  (iii) enhancing the integration of com-  
16                  munity colleges, training and education  
17                  with businesses, and the one-stop delivery  
18                  system in the local area to meet the train-  
19                  ing needs of in-demand industry sectors for  
20                  new and incumbent workers;

21                  (iv) providing training and relevant  
22                  job skills to small business owners or opera-  
23                  tors to facilitate small business development  
24                  in in-demand industry sectors; or



1                   (v) *expanding or creating programs for*  
 2                   *distance, evening, weekend, modular, or*  
 3                   *compressed learning opportunities that pro-*  
 4                   *vide training and relevant job skills for*  
 5                   *high-growth, in-demand occupations.*

6                   (7) *AUTHORITY TO REQUIRE NON-FEDERAL*  
 7                   *SHARE.—The Secretary may require that recipients of*  
 8                   *grants under this subsection provide a non-Federal*  
 9                   *share, from either cash or in-kind resources (fairly*  
 10                   *evaluated), of the costs of activities carried out under*  
 11                   *the grant.*

12                   (8) *PERFORMANCE ACCOUNTABILITY AND EVAL-*  
 13                   *UATION.—*

14                   (A) *PERFORMANCE ACCOUNTABILITY.—The*  
 15                   *Secretary shall require an eligible entity that re-*  
 16                   *ceives a grant under this subsection to submit*  
 17                   *interim and final reports to the Secretary on the*  
 18                   *performance outcomes for the program carried*  
 19                   *out under the grant, using the performance ac-*  
 20                   *countability measures identified in the eligible*  
 21                   *entity's grant application.*

22                   (B) *EVALUATION.—The Secretary shall re-*  
 23                   *quire that an eligible entity that receives a grant*  
 24                   *under this subsection participate in an evalua-*  
 25                   *tion of activities carried out under this sub-*

1            *section, including an evaluation using the tech-*  
 2            *niques described in subsection (a)(3).*

3            *(g) CAREER PATHWAYS FOR NURSING CARE PRO-*  
 4            *VIDERS AND PROVIDERS OF EARLY EDUCATION AND CHILD*  
 5            *CARE.—The Secretary of Labor, in coordination with the*  
 6            *Secretary of Education and the Secretary of Health and*  
 7            *Human Services, may conduct projects that focus on career*  
 8            *advancement for nursing care providers or providers of*  
 9            *early education and child care, including faculty education*  
 10           *and distance education programs. The Secretary shall pre-*  
 11           *pare and disseminate to the public, including through elec-*  
 12           *tronic means, reports containing the results of the projects*  
 13           *conducted, and recommendations on how to replicate effec-*  
 14           *tive practices.*

15    **SEC. 271. NATIONAL DISLOCATED WORKER GRANTS.**

16            *(a) DEFINITIONS.—In this section:*

17            *(1) EMERGENCY OR DISASTER.—The term*  
 18            *“emergency or disaster” means—*

19            *(A) an emergency or a major disaster, as*  
 20            *defined in paragraphs (1) and (2), respectively,*  
 21            *of section 102 of the Robert T. Stafford Disaster*  
 22            *Relief and Emergency Assistance Act (42 U.S.C.*  
 23            *5122 (1) and (2)); or*

24            *(B) an emergency or disaster situation of*  
 25            *national significance that could result in a po-*

1           *tentially large loss of employment, as declared or*  
 2           *otherwise recognized by the chief official of a*  
 3           *Federal agency with authority for or jurisdiction*  
 4           *over the Federal response to the emergency or*  
 5           *disaster situation.*

6           (2) *DISASTER AREA.*—*In this subsection, the*  
 7           *term “disaster area” means an area that has suffered*  
 8           *or in which has occurred an emergency or disaster.*

9           (b) *IN GENERAL.*—

10           (1) *GRANTS.*—*The Secretary is authorized to*  
 11           *award national dislocated worker grants—*

12                   (A) *to an entity described in subsection*  
 13                   (c)(1)(B) *to provide employment and training*  
 14                   *assistance to workers affected by major economic*  
 15                   *dislocations, such as plant closures, mass layoffs,*  
 16                   *or closures and realignments of military instal-*  
 17                   *lations;*

18                   (B) *to provide assistance to—*

19                           (i) *the Governor of any State within*  
 20                           *the boundaries of which is a disaster area,*  
 21                           *to provide disaster relief employment in the*  
 22                           *disaster area; or*

23                           (ii) *the Governor of any State to which*  
 24                           *a substantial number of workers from an*  
 25                           *area in which an emergency or disaster has*

1           *been declared or otherwise recognized have*  
2           *relocated;*

3           *(C) to provide additional assistance to a*  
4           *State board or local board for eligible dislocated*  
5           *workers in a case in which the State board or*  
6           *local board has expended the funds provided*  
7           *under this section to carry out activities de-*  
8           *scribed in subparagraphs (A) and (B) and can*  
9           *demonstrate the need for additional funds to pro-*  
10          *vide appropriate services for such workers, in ac-*  
11          *cordance with requirements prescribed by the*  
12          *Secretary; and*

13          *(D) to provide additional assistance to a*  
14          *State board or local board serving an area*  
15          *where—*

16                 *(i) a higher-than-average demand for*  
17                 *employment and training activities for dis-*  
18                 *located members of the Armed Forces,*  
19                 *spouses described in section 101(14)(E), or*  
20                 *members of the Armed Forces described in*  
21                 *subsection (c)(2)(A)(iv), exceeds State and*  
22                 *local resources for providing such activities;*  
23                 *and*

24                 *(ii) such activities are to be carried out*  
25                 *in partnership with the Department of De-*

1                    *fense and Department of Veterans Affairs*  
 2                    *transition assistance programs.*

3                    (2) *DECISIONS AND OBLIGATIONS.*—*The Sec-*  
 4                    *retary shall issue a final decision on an application*  
 5                    *for a national dislocated worker grant under this sub-*  
 6                    *section not later than 45 calendar days after receipt*  
 7                    *of the application. The Secretary shall issue a notice*  
 8                    *of obligation for such grant not later than 10 days*  
 9                    *after the award of such grant.*

10                  (c) *EMPLOYMENT AND TRAINING ASSISTANCE RE-*  
 11 *QUIREMENTS.*—

12                  (1) *GRANT RECIPIENT ELIGIBILITY.*—

13                    (A) *APPLICATION.*—*To be eligible to receive*  
 14                    *a grant under subsection (b)(1)(A), an entity*  
 15                    *shall submit an application to the Secretary at*  
 16                    *such time, in such manner, and containing such*  
 17                    *information as the Secretary may require.*

18                    (B) *ELIGIBLE ENTITY.*—*In this paragraph,*  
 19                    *the term “entity” means a State, a local board,*  
 20                    *an entity described in section 266(c), an entity*  
 21                    *determined to be eligible by the Governor of the*  
 22                    *State involved, and any other entity that dem-*  
 23                    *onstrates to the Secretary the capability to effec-*  
 24                    *tively respond to the circumstances relating to*  
 25                    *particular dislocations.*

1           (2) *PARTICIPANT ELIGIBILITY.*—

2                   (A) *IN GENERAL.*—*In order to be eligible to*  
3                   *receive employment and training assistance*  
4                   *under a national dislocated worker grant award-*  
5                   *ed pursuant to subsection (b)(1)(A), an indi-*  
6                   *vidual shall be—*

7                           (i) *a dislocated worker;*

8                           (ii) *a civilian employee of the Depart-*  
9                           *ment of Defense or the Department of En-*  
10                           *ergy employed at a military installation*  
11                           *that is being closed, or that will undergo re-*  
12                           *alignment, within the next 24 months after*  
13                           *the date of the determination of eligibility;*

14                           (iii) *an individual who is employed in*  
15                           *a nonmanagerial position with a Depart-*  
16                           *ment of Defense contractor, who is deter-*  
17                           *mined by the Secretary of Defense to be at*  
18                           *risk of termination from employment as a*  
19                           *result of reductions in defense expenditures,*  
20                           *and whose employer is converting oper-*  
21                           *ations from defense to nondefense applica-*  
22                           *tions in order to prevent worker layoffs; or*

23                           (iv) *a member of the Armed Forces*  
24                           *who—*

1                   (I) *was on active duty or full-time*  
2                   *National Guard duty;*

3                   (II)(aa) *is involuntarily sepa-*  
4                   *rated (as defined in section 1141 of*  
5                   *title 10, United States Code) from ac-*  
6                   *tive duty or full-time National Guard*  
7                   *duty; or*

8                   (bb) *is separated from active duty*  
9                   *or full-time National Guard duty pur-*  
10                  *suant to a special separation benefits*  
11                  *program under section 1174a of title*  
12                  *10, United States Code, or the vol-*  
13                  *untary separation incentive program*  
14                  *under section 1175 of that title;*

15                  (III) *is not entitled to retired or*  
16                  *retained pay incident to the separation*  
17                  *described in subclause (II); and*

18                  (IV) *applies for such employment*  
19                  *and training assistance before the end*  
20                  *of the 180-day period beginning on the*  
21                  *date of that separation.*

22                  (B) *RETRAINING ASSISTANCE.—The indi-*  
23                  *viduals described in subparagraph (A)(iii) shall*  
24                  *be eligible for retraining assistance to upgrade*  
25                  *skills by obtaining marketable skills needed to*

1       *support the conversion described in subpara-*  
2       *graph (A)(iii).*

3               (C) *ADDITIONAL REQUIREMENTS.—The Sec-*  
4       *retary shall establish and publish additional re-*  
5       *quirements related to eligibility for employment*  
6       *and training assistance under the national dis-*  
7       *located worker grants to ensure effective use of*  
8       *the funds available for this purpose.*

9               (D) *DEFINITIONS.—In this paragraph, the*  
10       *terms “military installation” and “realignment”*  
11       *have the meanings given the terms in section*  
12       *2910 of the Defense Base Closure and Realign-*  
13       *ment Act of 1990 (Public Law 101–510; 10*  
14       *U.S.C. 2687 note).*

15       (d) *DISASTER RELIEF EMPLOYMENT ASSISTANCE RE-*  
16       *QUIREMENTS.—*

17               (1) *IN GENERAL.—Funds made available under*  
18       *subsection (b)(1)(B)—*

19               (A) *shall be used, in coordination with the*  
20       *Administrator of the Federal Emergency Man-*  
21       *agement Agency, as applicable, to provide dis-*  
22       *aster relief employment on projects that provide*  
23       *food, clothing, shelter, and other humanitarian*  
24       *assistance for emergency and disaster victims,*  
25       *and projects regarding demolition, cleaning, re-*



1 *pair, renovation, and reconstruction of damaged*  
 2 *and destroyed structures, facilities, and lands lo-*  
 3 *cated within the disaster area and in offshore*  
 4 *areas related to the emergency or disaster;*

5 *(B) may be expended through public and*  
 6 *private agencies and organizations engaged in*  
 7 *such projects; and*

8 *(C) may be expended to provide employ-*  
 9 *ment and training activities.*

10 *(2) ELIGIBILITY.—An individual shall be eligible*  
 11 *to be offered disaster relief employment under sub-*  
 12 *section (b)(1)(B) if such individual—*

13 *(A) is a dislocated worker;*

14 *(B) is a long-term unemployed individual;*

15 *(C) is temporarily or permanently laid off*  
 16 *as a consequence of the emergency or disaster; or*

17 *(D) in the case of an individual who is self-*  
 18 *employed, becomes unemployed or significantly*  
 19 *underemployed as a result of the emergency or*  
 20 *disaster.*

21 *(3) LIMITATIONS ON DISASTER RELIEF EMPLOY-*  
 22 *MENT.—*

23 *(A) IN GENERAL.—Except as provided in*  
 24 *subparagraph (B), no individual shall be em-*  
 25 *ployed under subsection (b)(1)(B) for more than*

1           *12 months for work related to recovery from a*  
2           *single emergency or disaster.*

3           *(B) EXTENSION.—At the request of a State,*  
4           *the Secretary may extend such employment, re-*  
5           *lated to recovery from a single emergency or dis-*  
6           *aster involving the State, for not more than an*  
7           *additional 12 months.*

8           *(4) USE OF AVAILABLE FUNDS.—Funds made*  
9           *available under subsection (b)(1)(B) shall be available*  
10          *to assist workers described in paragraph (2) who are*  
11          *affected by an emergency or disaster, including work-*  
12          *ers who have relocated from an area in which an*  
13          *emergency or disaster has been declared or otherwise*  
14          *recognized, as appropriate. Under conditions deter-*  
15          *mined by the Secretary and following notification to*  
16          *the Secretary, a State may use such funds, that are*  
17          *appropriated for any fiscal year and available for ex-*  
18          *penditure under any grant awarded to the State*  
19          *under this section, to provide any assistance author-*  
20          *ized under this subsection. Funds used pursuant to*  
21          *the authority provided under this paragraph shall be*  
22          *subject to the liability and reimbursement require-*  
23          *ments described in paragraph (5).*

24          *(5) LIABILITY AND REIMBURSEMENT.—Nothing*  
25          *in this Act shall be construed to relieve liability, by*

1        *a responsible party that is liable under Federal law,*  
2        *for any costs incurred by the United States under*  
3        *subsection (b)(1)(B) or this subsection, including the*  
4        *responsibility to provide reimbursement for such costs*  
5        *to the United States.*

6    **SEC. 272. YOUTHBUILD PROGRAM.**

7        *(a) STATEMENT OF PURPOSE.—The purposes of this*  
8        *section are—*

9                *(1) to enable disadvantaged youth to obtain the*  
10              *education and employment skills necessary to achieve*  
11              *economic self-sufficiency in occupations in demand*  
12              *and postsecondary education and training opportuni-*  
13              *ties;*

14              *(2) to provide disadvantaged youth with oppor-*  
15              *tunities for meaningful work and service to their com-*  
16              *munities;*

17              *(3) to foster the development of employment and*  
18              *leadership skills and commitment to community de-*  
19              *velopment among youth in low-income communities;*

20              *(4) to expand the supply of permanent affordable*  
21              *housing for homeless individuals and low-income fam-*  
22              *ilies by utilizing the energies and talents of disadvan-*  
23              *taged youth; and*

24              *(5) to improve the quality and energy efficiency*  
25              *of community and other nonprofit and public facili-*

1        *ties, including those facilities that are used to serve*  
 2        *homeless and low-income families.*

3        *(b) DEFINITIONS.—In this section:*

4                *(1) ADJUSTED INCOME.—The term “adjusted in-*  
 5                *come” has the meaning given the term in section 3(b)*  
 6                *of the United States Housing Act of 1937 (42 U.S.C.*  
 7                *1437a(b)).*

8                *(2) APPLICANT.—The term “applicant” means*  
 9                *an eligible entity that has submitted an application*  
 10               *under subsection (c).*

11               *(3) ELIGIBLE ENTITY.—The term “eligible enti-*  
 12               *ty” means a public or private nonprofit agency or or-*  
 13               *ganization (including a consortium of such agencies*  
 14               *or organizations), including—*

15                        *(A) a community-based organization;*

16                        *(B) a faith-based organization;*

17                        *(C) an entity carrying out activities under*  
 18                        *this title, such as a local board;*

19                        *(D) a community action agency;*

20                        *(E) a State or local housing development*  
 21                        *agency;*

22                        *(F) an Indian tribe or other agency pri-*  
 23                        *marily serving Indians;*

24                        *(G) a community development corporation;*

1           (H) a State or local youth service or con-  
 2           servation corps; and

3           (I) any other entity eligible to provide edu-  
 4           cation or employment training under a Federal  
 5           program (other than the program carried out  
 6           under this section).

7           (4) *HOMELESS INDIVIDUAL*.—The term “home-  
 8           less individual” means a homeless individual (as de-  
 9           fined in section 41403(6) of the Violence Against  
 10          Women Act of 1994 (42 U.S.C. 14043e–2(6)), except  
 11          that clauses (i)(IV) and (iii) of subparagraph (B) of  
 12          such section shall not apply) or a homeless child or  
 13          youth (as defined in section 725(2) of the McKinney-  
 14          Vento Homeless Assistance Act (42 U.S.C. 11434a(2)),  
 15          except that subparagraph (B)(iv) of such section shall  
 16          not apply).

17          (5) *HOUSING DEVELOPMENT AGENCY*.—The term  
 18          “housing development agency” means any agency of  
 19          a State or local government, or any private nonprofit  
 20          organization, that is engaged in providing housing  
 21          for homeless individuals or low-income families.

22          (6) *INCOME*.—The term “income” has the mean-  
 23          ing given the term in section 3(b) of the United States  
 24          Housing Act of 1937 (42 U.S.C. 1437a(b)).

1           (7) *INDIAN; INDIAN TRIBE.*—*The terms “Indian”*  
 2           *and “Indian tribe” have the meanings given such*  
 3           *terms in section 4 of the Indian Self-Determination*  
 4           *and Education Assistance Act (25 U.S.C. 450b).*

5           (8) *LOW-INCOME FAMILY.*—*The term “low-in-*  
 6           *come family” means a family described in section*  
 7           *3(b)(2) of the United States Housing Act of 1937 (42*  
 8           *U.S.C. 1437a(b)(2)).*

9           (9) *QUALIFIED NATIONAL NONPROFIT AGENCY.*—  
 10          *The term “qualified national nonprofit agency”*  
 11          *means a nonprofit agency that—*

12                 *(A) has significant national experience pro-*  
 13                 *viding services consisting of training, informa-*  
 14                 *tion, technical assistance, and data management*  
 15                 *to YouthBuild programs or similar projects; and*

16                 *(B) has the capacity to provide those serv-*  
 17                 *ices.*

18          (10) *REGISTERED APPRENTICESHIP PROGRAM.*—  
 19          *The term “registered apprenticeship program” means*  
 20          *an apprenticeship program—*

21                 *(A) registered under the Act of August 16,*  
 22                 *1937 (commonly known as the “National Ap-*  
 23                 *prenticeship Act”;* 50 Stat. 664, chapter 663; 29  
 24                 *U.S.C. 50 et seq.); and*

1                   (B) that meets such other criteria as may be  
2                   established by the Secretary under this section.

3                   (11) *TRANSITIONAL HOUSING.*—The term “tran-  
4                   sitional housing” has the meaning given the term in  
5                   section 401(29) of the McKinney-Vento Homeless As-  
6                   sistance Act (42 U.S.C. 11360(29)).

7                   (12) *YOUTHBUILD PROGRAM.*—The term  
8                   “YouthBuild program” means any program that re-  
9                   ceives assistance under this section and provides dis-  
10                  advantaged youth with opportunities for employment,  
11                  education, leadership development, and training  
12                  through the rehabilitation, construction, or energy ef-  
13                  ficiency enhancement of housing for homeless individ-  
14                  uals and low-income families, and of public facilities.

15                  (c) *YOUTHBUILD GRANTS.*—

16                  (1) *AMOUNTS OF GRANTS.*—The Secretary is au-  
17                  thorized to make grants to applicants for the purpose  
18                  of carrying out YouthBuild programs approved under  
19                  this section.

20                  (2) *ELIGIBLE ACTIVITIES.*—An entity that re-  
21                  ceives a grant under this subsection shall use the  
22                  funds made available through the grant to carry out  
23                  a YouthBuild program, which may include the fol-  
24                  lowing activities:

1                   (A) *Education and workforce investment ac-*  
 2                   *tivities including—*

3                   (i) *work experience and skills training*  
 4                   *(coordinated, to the maximum extent fea-*  
 5                   *sible, with preapprenticeship and registered*  
 6                   *apprenticeship programs) in the rehabilita-*  
 7                   *tion, construction, or energy efficiency en-*  
 8                   *hancement activities described in subpara-*  
 9                   *graphs (B) and (C);*

10                  (ii) *occupational skills training;*

11                  (iii) *other paid and unpaid work expe-*  
 12                  *riences, including internships and job shad-*  
 13                  *owing;*

14                  (iv) *services and activities designed to*  
 15                  *meet the educational needs of participants,*  
 16                  *including—*

17                       (I) *basic skills instruction and re-*  
 18                       *medial education;*

19                       (II) *language instruction edu-*  
 20                       *cational programs for participants*  
 21                       *who are English language learners;*

22                       (III) *secondary education services*  
 23                       *and activities, including tutoring,*  
 24                       *study skills training, and dropout pre-*  
 25                       *vention activities, designed to lead to*



1           *the attainment of a secondary school*  
2           *diploma or its recognized equivalent*  
3           *(including recognized certificates of at-*  
4           *tendance or similar documents for in-*  
5           *dividuals with disabilities);*

6                     *(IV) counseling and assistance in*  
7                     *obtaining postsecondary education and*  
8                     *required financial aid; and*

9                     *(V) alternative secondary school*  
10                    *services;*

11                    *(v) counseling services and related ac-*  
12                    *tivities, such as comprehensive guidance*  
13                    *and counseling on drug and alcohol abuse*  
14                    *and referral;*

15                    *(vi) activities designed to develop em-*  
16                    *ployment and leadership skills, which may*  
17                    *include community service and peer-cen-*  
18                    *tered activities encouraging responsibility*  
19                    *and other positive social behaviors, and ac-*  
20                    *tivities related to youth policy committees*  
21                    *that participate in decision-making related*  
22                    *to the program;*

23                    *(vii) supportive services and provision*  
24                    *of need-based stipends necessary to enable*  
25                    *individuals to participate in the program*

1           *and to assist individuals, for a period not*  
2           *to exceed 12 months after the completion of*  
3           *training, in obtaining or retaining employ-*  
4           *ment, or applying for and transitioning to*  
5           *postsecondary education or training; and*  
6           *(viii) job search and assistance.*

7           *(B) Supervision and training for partici-*  
8           *pants in the rehabilitation, construction, or en-*  
9           *ergy efficiency enhancement of housing, includ-*  
10          *ing residential housing for homeless individuals*  
11          *or low-income families, or transitional housing*  
12          *for homeless individuals.*

13          *(C) Supervision and training for partici-*  
14          *pants in the rehabilitation, construction, or en-*  
15          *ergy efficiency enhancement of community and*  
16          *other public facilities, except that not more than*  
17          *15 percent of funds appropriated to carry out*  
18          *this section may be used for such supervision*  
19          *and training.*

20          *(D) Payment of administrative costs of the*  
21          *applicant, including recruitment and selection of*  
22          *participants, except that not more than 15 per-*  
23          *cent of the amount of assistance provided under*  
24          *this subsection to the grant recipient may be*  
25          *used for such costs.*

1                   (E) *Adult mentoring.*

2                   (F) *Provision of wages, stipends, or benefits*  
3 *to participants in the program.*

4                   (G) *Ongoing training and technical assist-*  
5 *ance that are related to developing and carrying*  
6 *out the program.*

7                   (H) *Follow-up services.*

8                   (3) *APPLICATION.—*

9                   (A) *FORM AND PROCEDURE.—To be quali-*  
10 *fied to receive a grant under this subsection, an*  
11 *eligible entity shall submit an application at*  
12 *such time, in such manner, and containing such*  
13 *information as the Secretary may require.*

14                   (B) *MINIMUM REQUIREMENTS.—The Sec-*  
15 *retary shall require that the application contain,*  
16 *at a minimum—*

17                   (i) *labor market information for the*  
18 *labor market area where the proposed pro-*  
19 *gram will be implemented, including both*  
20 *current data (as of the date of submission*  
21 *of the application) and projections on ca-*  
22 *reer opportunities in construction and*  
23 *growing industries;*

1           (ii) a request for the grant, specifying  
2           the amount of the grant requested and its  
3           proposed uses;

4           (iii) a description of the applicant and  
5           a statement of its qualifications, including  
6           a description of the applicant's relationship  
7           with local boards, one-stop operators, local  
8           unions, entities carrying out registered ap-  
9           prenticeship programs, other community  
10          groups, and employers, and the applicant's  
11          past experience, if any, with rehabilitation,  
12          construction, or energy efficiency enhance-  
13          ment of housing or public facilities, and  
14          with youth education and employment  
15          training programs;

16          (iv) a description of the proposed site  
17          for the proposed program;

18          (v) a description of the educational  
19          and job training activities, work opportuni-  
20          ties, postsecondary education and training  
21          opportunities, and other services that will  
22          be provided to participants, and how those  
23          activities, opportunities, and services will  
24          prepare youth for employment in occupa-

1            *tions in demand in the labor market area*  
2            *described in clause (i);*

3            *(vi) a description of the proposed reha-*  
4            *bilitation, construction, or energy efficiency*  
5            *enhancement activities to be undertaken*  
6            *under the grant and the anticipated sched-*  
7            *ule for carrying out such activities;*

8            *(vii) a description of the manner in*  
9            *which eligible youth will be recruited and*  
10           *selected as participants, including a de-*  
11           *scription of arrangements that will be made*  
12           *with local boards, one-stop operators, faith-*  
13           *and community-based organizations, State*  
14           *educational agencies or local educational*  
15           *agencies (including agencies of Indian*  
16           *tribes), public assistance agencies, the courts*  
17           *of jurisdiction, agencies operating shelters*  
18           *for homeless individuals and other agencies*  
19           *that serve youth who are homeless individ-*  
20           *uals, foster care agencies, and other appro-*  
21           *priate public and private agencies;*

22           *(viii) a description of the special out-*  
23           *reach efforts that will be undertaken to re-*  
24           *cruit eligible young women (including*

1           *young women with dependent children) as*  
2           *participants;*

3                     *(ix) a description of the specific role of*  
4                     *employers in the proposed program, such as*  
5                     *their role in developing the proposed pro-*  
6                     *gram and assisting in service provision and*  
7                     *in placement activities;*

8                     *(x) a description of how the proposed*  
9                     *program will be coordinated with other Fed-*  
10                    *eral, State, and local activities and activi-*  
11                    *ties conducted by Indian tribes, such as*  
12                    *local workforce investment activities, career*  
13                    *and technical education and training pro-*  
14                    *grams, adult and language instruction edu-*  
15                    *cational programs, activities conducted by*  
16                    *public schools, activities conducted by com-*  
17                    *munity colleges, national service programs,*  
18                    *and other job training provided with funds*  
19                    *available under this title;*

20                    *(xi) assurances that there will be a suf-*  
21                    *ficient number of adequately trained super-*  
22                    *visory personnel in the proposed program;*

23                    *(xii) a description of the levels of per-*  
24                    *formance to be achieved with respect to the*  
25                    *primary indicators of performance for eligi-*

1            *ble youth described in section*  
2            *131(b)(2)(A)(ii);*

3            *(xiii) a description of the applicant's*  
4            *relationship with local building trade*  
5            *unions regarding their involvement in*  
6            *training to be provided through the pro-*  
7            *posed program, the relationship of the pro-*  
8            *posed program to established registered ap-*  
9            *prenticeship programs and employers, the*  
10           *ability of the applicant to grant an indus-*  
11           *try-recognized certificate or certification*  
12           *through the program, and the quality of the*  
13           *program leading to the certificate or certifi-*  
14           *cation;*

15           *(xiv) a description of activities that*  
16           *will be undertaken to develop the leadership*  
17           *skills of participants;*

18           *(xv) a detailed budget and a descrip-*  
19           *tion of the system of fiscal controls, and au-*  
20           *diting and accountability procedures, that*  
21           *will be used to ensure fiscal soundness for*  
22           *the proposed program;*

23           *(xvi) a description of the commitments*  
24           *for any additional resources (in addition to*  
25           *the funds made available through the grant)*

1           to be made available to the proposed pro-  
2           gram from—

3                       (I) the applicant;

4                       (II) recipients of other Federal,  
5                       State, or local housing and community  
6                       development assistance that will spon-  
7                       sor any part of the rehabilitation, con-  
8                       struction, energy efficiency enhance-  
9                       ment, operation and maintenance, or  
10                      other housing and community develop-  
11                      ment activities undertaken as part of  
12                      the proposed program; or

13                      (III) entities carrying out other  
14                      Federal, State, or local activities or ac-  
15                      tivities conducted by Indian tribes, in-  
16                      cluding career and technical education  
17                      and training programs, adult and lan-  
18                      guage instruction educational pro-  
19                      grams, and job training provided with  
20                      funds available under this title;

21                      (xvii) information identifying, and a  
22                      description of, the financing proposed for  
23                      any—



1                   (I) rehabilitation or energy effi-  
 2                   cient enhancement of the property in-  
 3                   volved;

4                   (II) acquisition of the property; or

5                   (III) construction of the property;

6                   (xviii) information identifying, and a  
 7                   description of, the entity that will operate  
 8                   and manage the property;

9                   (xix) information identifying, and a  
 10                  description of, the data collection systems to  
 11                  be used;

12                  (xx) a certification, by a public official  
 13                  responsible for the housing strategy for the  
 14                  State or unit of general local government  
 15                  within which the proposed program is lo-  
 16                  cated, that the proposed program is con-  
 17                  sistent with the housing strategy; and

18                  (xxi) a certification that the applicant  
 19                  will comply with the requirements of the  
 20                  Fair Housing Act (42 U.S.C. 3601 et seq.)  
 21                  and will affirmatively further fair housing.

22                  (4) *SELECTION CRITERIA.*—For an applicant to  
 23                  be eligible to receive a grant under this subsection, the  
 24                  applicant and the applicant's proposed program shall  
 25                  meet such selection criteria as the Secretary shall es-

1       *tablish under this section, which shall include criteria*  
2       *relating to—*

3               *(A) the qualifications or potential capabili-*  
4               *ties of an applicant;*

5               *(B) an applicant's potential for developing*  
6               *a successful YouthBuild program;*

7               *(C) the need for an applicant's proposed*  
8               *program, as determined by the degree of eco-*  
9               *nomic distress of the community from which*  
10              *participants would be recruited (measured by in-*  
11              *dicators such as poverty, youth unemployment,*  
12              *and the number of individuals who have dropped*  
13              *out of secondary school) and of the community*  
14              *in which the housing and community and public*  
15              *facilities proposed to be rehabilitated, con-*  
16              *structed, or provided energy efficiency enhance-*  
17              *ments is located (measured by indicators such as*  
18              *incidence of homelessness, shortage of affordable*  
19              *housing, and poverty);*

20              *(D) the commitment of an applicant to pro-*  
21              *viding skills training, leadership development,*  
22              *and education to participants;*

23              *(E) the focus of a proposed program on pre-*  
24              *paring youth for occupations in demand or post-*  
25              *secondary education and training opportunities;*

1           (F) the extent of an applicant's coordina-  
2           tion of activities to be carried out through the  
3           proposed program with local boards, one-stop op-  
4           erators, and one-stop partners participating in  
5           the operation of the one-stop delivery system in-  
6           volved, or the extent of the applicant's good faith  
7           efforts in achieving such coordination;

8           (G) the extent of the applicant's coordina-  
9           tion of activities with public education, criminal  
10          justice, housing and community development,  
11          national service, or postsecondary education or  
12          other systems that relate to the goals of the pro-  
13          posed program;

14          (H) the extent of an applicant's coordina-  
15          tion of activities with employers in the local area  
16          involved;

17          (I) the extent to which a proposed program  
18          provides for inclusion of tenants who were pre-  
19          viously homeless individuals in the rental hous-  
20          ing provided through the program;

21          (J) the commitment of additional resources  
22          (in addition to the funds made available through  
23          the grant) to a proposed program by—

24               (i) an applicant;

1                   (ii) recipients of other Federal, State,  
2                   or local housing and community develop-  
3                   ment assistance who will sponsor any part  
4                   of the rehabilitation, construction, energy ef-  
5                   ficiency enhancement, operation and main-  
6                   tenance, or other housing and community  
7                   development activities undertaken as part of  
8                   the proposed program; or

9                   (iii) entities carrying out other Fed-  
10                  eral, State, or local activities or activities  
11                  conducted by Indian tribes, including career  
12                  and technical education and training pro-  
13                  grams, adult and language instruction edu-  
14                  cational programs, and job training pro-  
15                  vided with funds available under this title;

16                (K) the applicant's potential to serve dif-  
17                ferent regions, including rural areas and States  
18                that have not previously received grants for  
19                YouthBuild programs; and

20                (L) such other factors as the Secretary de-  
21                termines to be appropriate for purposes of car-  
22                rying out the proposed program in an effective  
23                and efficient manner.

24                (5) APPROVAL.—To the extent practicable, the  
25                Secretary shall notify each applicant, not later than

1       5 months after the date of receipt of the application  
 2       by the Secretary, whether the application is approved  
 3       or not approved.

4       (d) *USE OF HOUSING UNITS.*—Residential housing  
 5       units rehabilitated, constructed, or provided energy effi-  
 6       ciency improvements using funds made available under  
 7       subsection (c), shall be available solely—

8               (1) for rental by, or sale to, homeless individuals  
 9       or low-income families; or

10              (2) for use as transitional or permanent housing,  
 11       for the purpose of assisting in the movement of home-  
 12       less individuals to independent living.

13       (e) *ADDITIONAL PROGRAM REQUIREMENTS.*—

14              (1) *ELIGIBLE PARTICIPANTS.*—

15                      (A) *IN GENERAL.*—Except as provided in  
 16       subparagraph (B), an individual may partici-  
 17       pate in a YouthBuild program only if such indi-  
 18       vidual is—

19                              (i) not less than age 16 and not more  
 20       than age 24, on the date of enrollment;

21                              (ii) a member of a low-income family,  
 22       a youth in foster care (including youth  
 23       aging out of foster care), a youth offender,  
 24       a youth who is an individual with a dis-

1           *ability, a child of incarcerated parents, or*  
 2           *a migrant youth; and*

3           *(iii) a school dropout, or an individual*  
 4           *who was a school dropout and has subse-*  
 5           *quently reenrolled.*

6           *(B) EXCEPTION FOR INDIVIDUALS NOT*  
 7           *MEETING INCOME OR EDUCATIONAL NEED RE-*  
 8           *QUIREMENTS.—Not more than 25 percent of the*  
 9           *participants in such program may be individ-*  
 10          *uals who do not meet the requirements of clause*  
 11          *(ii) or (iii) of subparagraph (A), but who—*

12           *(i) are basic skills deficient, despite at-*  
 13           *tainment of a secondary school diploma or*  
 14           *its recognized equivalent (including recog-*  
 15           *nized certificates of attendance or similar*  
 16           *documents for individuals with disabilities);*  
 17           *or*

18           *(ii) have been referred by a local sec-*  
 19           *ondary school for participation in a*  
 20           *YouthBuild program leading to the attain-*  
 21           *ment of a secondary school diploma.*

22          *(2) PARTICIPATION LIMITATION.—An eligible in-*  
 23          *dividual selected for participation in a YouthBuild*  
 24          *program shall be offered full-time participation in the*

1       program for a period of not less than 6 months and  
2       not more than 24 months.

3           (3) *MINIMUM TIME DEVOTED TO EDUCATIONAL*  
4       *SERVICES AND ACTIVITIES.*—A YouthBuild program  
5       receiving assistance under subsection (c) shall be  
6       structured so that participants in the program are of-  
7       fered—

8           (A) education and related services and ac-  
9       tivities designed to meet educational needs, such  
10      as those specified in clauses (iv) through (vii) of  
11      subsection (c)(2)(A), during at least 50 percent  
12      of the time during which the participants par-  
13      ticipate in the program; and

14          (B) work and skill development activities  
15      such as those specified in clauses (i), (ii), (iii),  
16      and (viii) of subsection (c)(2)(A), during at least  
17      40 percent of the time during which the partici-  
18      pants participate in the program.

19          (4) *AUTHORITY RESTRICTION.*—No provision of  
20      this section may be construed to authorize any agen-  
21      cy, officer, or employee of the United States to exer-  
22      cise any direction, supervision, or control over the  
23      curriculum, program of instruction, administration,  
24      or personnel of any educational institution (including  
25      a school) or school system, or over the selection of li-

1      *brary resources, textbooks, or other printed or pub-*  
 2      *lished instructional materials by any educational in-*  
 3      *stitution or school system.*

4            (5) *STATE AND LOCAL STANDARDS.*—*All edu-*  
 5      *cational programs and activities supported with*  
 6      *funds provided under subsection (c) shall be consistent*  
 7      *with applicable State and local educational stand-*  
 8      *ards. Standards and procedures for the programs and*  
 9      *activities that relate to awarding academic credit for*  
 10     *and certifying educational attainment in such pro-*  
 11     *grams and activities shall be consistent with applica-*  
 12     *ble State and local educational standards.*

13        (f) *LEVELS OF PERFORMANCE AND INDICATORS.*—

14            (1) *IN GENERAL.*—*The Secretary shall annually*  
 15      *establish expected levels of performance for*  
 16      *YouthBuild programs relating to each of the primary*  
 17      *indicators of performance for eligible youth activities*  
 18      *described in section 131(b)(2)(A)(ii).*

19            (2) *ADDITIONAL INDICATORS.*—*The Secretary*  
 20      *may establish expected levels of performance for addi-*  
 21      *tional indicators for YouthBuild programs, as the*  
 22      *Secretary determines appropriate.*

23        (g) *MANAGEMENT AND TECHNICAL ASSISTANCE.*—

24            (1) *SECRETARY ASSISTANCE.*—*The Secretary*  
 25      *may enter into contracts with 1 or more entities to*



1        *provide assistance to the Secretary in the manage-*  
2        *ment, supervision, and coordination of the program*  
3        *carried out under this section.*

4            (2) *TECHNICAL ASSISTANCE.—*

5            (A) *CONTRACTS AND GRANTS.—The Sec-*  
6        *retary shall enter into contracts with or make*  
7        *grants to 1 or more qualified national nonprofit*  
8        *agencies, in order to provide training, informa-*  
9        *tion, technical assistance, program evaluation,*  
10       *and data management to recipients of grants*  
11       *under subsection (c).*

12          (B) *RESERVATION OF FUNDS.—Of the*  
13       *amounts available under subsection (i) to carry*  
14       *out this section for a fiscal year, the Secretary*  
15       *shall reserve 5 percent to carry out subparagraph*  
16       *(A).*

17          (3) *CAPACITY BUILDING GRANTS.—*

18          (A) *IN GENERAL.—In each fiscal year, the*  
19       *Secretary may use not more than 3 percent of*  
20       *the amounts available under subsection (i) to*  
21       *award grants to 1 or more qualified national*  
22       *nonprofit agencies to pay for the Federal share*  
23       *of the cost of capacity building activities.*

24          (B) *FEDERAL SHARE.—The Federal share*  
25       *of the cost described in subparagraph (A) shall*

1           *be 25 percent. The non-Federal share shall be*  
 2           *provided from private sources.*

3           *(h) SUBGRANTS AND CONTRACTS.—Each recipient of*  
 4           *a grant under subsection (c) to carry out a YouthBuild pro-*  
 5           *gram shall provide the services and activities described in*  
 6           *this section directly or through subgrants, contracts, or*  
 7           *other arrangements with local educational agencies, institu-*  
 8           *tions of higher education, State or local housing develop-*  
 9           *ment agencies, other public agencies, including agencies of*  
 10          *Indian tribes, or private organizations.*

11          *(i) AUTHORIZATION OF APPROPRIATIONS.—There are*  
 12          *authorized to be appropriated for each of fiscal years 2014*  
 13          *through 2018 such sums as may be necessary to carry out*  
 14          *this section.*

15   **SEC. 273. AUTHORIZATION OF APPROPRIATIONS.**

16          *(a) NATIVE AMERICAN PROGRAMS; MIGRANT AND SEA-*  
 17          *SONAL FARMWORKER PROGRAMS; VETERANS' WORKFORCE*  
 18          *INVESTMENT PROGRAMS.—*

19                *(1) IN GENERAL.—Subject to paragraph (2),*  
 20                *there are authorized to be appropriated to carry out*  
 21                *sections 266 through 268 such sums as may be nec-*  
 22                *essary for each of fiscal years 2014 through 2018.*

23                *(2) RESERVATIONS.—Of the amount appro-*  
 24                *priated pursuant to the authorization of appropria-*

1        *tions under paragraph (1) for a fiscal year, the Sec-*  
 2        *retary shall—*

3                *(A) reserve not less than \$55,000,000 for*  
 4                *carrying out section 266;*

5                *(B) reserve not less than \$70,000,000 for*  
 6                *carrying out section 267; and*

7                *(C) reserve not less than \$7,300,000 for car-*  
 8                *rying out section 268.*

9        *(b) TECHNICAL ASSISTANCE; EVALUATIONS AND RE-*  
 10        *SEARCH.—There are authorized to be appropriated to carry*  
 11        *out sections 269 and 270 such sums as may be necessary*  
 12        *for each of fiscal years 2014 through 2018.*

13        *(c) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of*  
 14        *the date of enactment of this Act, any unobligated funds*  
 15        *appropriated to carry out subsections (f) and (g) of section*  
 16        *173 of the Workforce Investment Act of 1998, as in effect*  
 17        *on the day before the date of enactment of this Act, remain*  
 18        *available, the Secretary of Labor shall continue to use such*  
 19        *funds to carry out such subsections until all of such funds*  
 20        *are expended.*

## 21                ***Subtitle E—Administration***

### 22        ***SEC. 281. REQUIREMENTS AND RESTRICTIONS.***

23                *(a) BENEFITS.—*

24                *(1) WAGES.—*

1           (A) *IN GENERAL.*—*Individuals in on-the-job*  
 2           *training or individuals employed in activities*  
 3           *under this title or subtitle C of title I shall be*  
 4           *compensated at the same rates, including peri-*  
 5           *odic increases, as trainees or employees who are*  
 6           *similarly situated in similar occupations by the*  
 7           *same employer and who have similar training,*  
 8           *experience, and skills, and such rates shall be in*  
 9           *accordance with applicable law, but in no event*  
 10          *less than the higher of the rate specified in sec-*  
 11          *tion 6(a)(1) of the Fair Labor Standards Act of*  
 12          *1938 (29 U.S.C. 206(a)(1)) or the applicable*  
 13          *State or local minimum wage law.*

14          (B) *RULE OF CONSTRUCTION.*—*The ref-*  
 15          *erence in subparagraph (A) to section 6(a)(1) of*  
 16          *the Fair Labor Standards Act of 1938 (29*  
 17          *U.S.C. 206(a)(1)) shall not be applicable for in-*  
 18          *dividuals in territorial jurisdictions in which*  
 19          *section 6(a)(1) of the Fair Labor Standards Act*  
 20          *of 1938 (29 U.S.C. 206(a)(1)) does not apply.*

21          (2) *TREATMENT OF ALLOWANCES, EARNINGS,*  
 22          *AND PAYMENTS.*—*Allowances, earnings, and pay-*  
 23          *ments to individuals participating in programs*  
 24          *under this title or subtitle C of title I shall not be con-*  
 25          *sidered as income for the purposes of determining eli-*

1      *gibility for and the amount of income transfer and*  
 2      *in-kind aid furnished under any Federal or federally*  
 3      *assisted program based on need, other than as pro-*  
 4      *vided under the Social Security Act (42 U.S.C. 301*  
 5      *et seq.).*

6      *(b) LABOR STANDARDS.—*

7            *(1) LIMITATIONS ON ACTIVITIES THAT IMPACT*  
 8      *WAGES OF EMPLOYEES.—No funds provided under*  
 9      *this title or subtitle C of title I shall be used to pay*  
 10      *the wages of incumbent employees during their par-*  
 11      *ticipation in economic development activities pro-*  
 12      *vided through a statewide workforce development sys-*  
 13      *tem.*

14           *(2) DISPLACEMENT.—*

15            *(A) PROHIBITION.—A participant in a pro-*  
 16      *gram or activity authorized under this title or*  
 17      *subtitle C of title I (referred to in this section as*  
 18      *a “specified activity”) shall not displace (includ-*  
 19      *ing a partial displacement, such as a reduction*  
 20      *in the hours of nonovertime work, wages, or em-*  
 21      *ployment benefits) any currently employed em-*  
 22      *ployee (as of the date of the participation).*

23            *(B) PROHIBITION ON IMPAIRMENT OF CON-*  
 24      *TRACTS.—A specified activity shall not impair*  
 25      *an existing contract for services or collective bar-*

1        *gaining agreement, and no such activity that*  
2        *would be inconsistent with the terms of a collec-*  
3        *tive bargaining agreement shall be undertaken*  
4        *without the written concurrence of the labor or-*  
5        *ganization and employer concerned.*

6        (3) *OTHER PROHIBITIONS.—A participant in a*  
7        *specified activity shall not be employed in a job if—*

8                (A) *any other individual is on layoff from*  
9                *the same or any substantially equivalent job;*

10                (B) *the employer has terminated the em-*  
11                *ployment of any regular employee or otherwise*  
12                *reduced the workforce of the employer with the*  
13                *intention of filling the vacancy so created with*  
14                *the participant; or*

15                (C) *the job is created in a promotional line*  
16                *that will infringe in any way upon the pro-*  
17                *motional opportunities of currently employed in-*  
18                *dividuals (as of the date of the participation).*

19        (4) *HEALTH AND SAFETY.—Health and safety*  
20        *standards established under Federal and State law*  
21        *otherwise applicable to working conditions of employ-*  
22        *ees shall be equally applicable to working conditions*  
23        *of participants engaged in specified activities. To the*  
24        *extent that a State workers' compensation law ap-*  
25        *plies, workers' compensation shall be provided to par-*

1        *ticipants on the same basis as the compensation is*  
 2        *provided to other individuals in the State in similar*  
 3        *employment.*

4            (5) *EMPLOYMENT CONDITIONS.—Individuals in*  
 5        *on-the-job training or individuals employed in pro-*  
 6        *grams and activities under this title or subtitle C of*  
 7        *title I shall be provided benefits and working condi-*  
 8        *tions at the same level and to the same extent as other*  
 9        *trainees or employees working a similar length of*  
 10       *time and doing the same type of work.*

11           (6) *OPPORTUNITY TO SUBMIT COMMENTS.—In-*  
 12        *terested members of the public, including representa-*  
 13        *tives of businesses and of labor organizations, shall be*  
 14        *provided an opportunity to submit comments to the*  
 15        *Secretary with respect to programs and activities pro-*  
 16        *posed to be funded under subtitle B.*

17           (7) *NO IMPACT ON UNION ORGANIZING.—Each*  
 18        *recipient of funds under this title or subtitle C of title*  
 19        *I shall provide to the Secretary assurances that none*  
 20        *of such funds will be used to assist, promote, or deter*  
 21        *union organizing.*

22        (c) *GRIEVANCE PROCEDURE.—*

23           (1) *IN GENERAL.—Each State and local area re-*  
 24        *ceiving an allotment or allocation under this title or*  
 25        *a grant under subtitle C of title I shall establish and*

1     *maintain a procedure for grievances or complaints al-*  
2     *leging violations of the requirements of this title or*  
3     *subtitle C of title I from participants and other inter-*  
4     *ested or affected parties. Such procedure shall include*  
5     *an opportunity for a hearing and be completed with-*  
6     *in 60 days after the filing of the grievance or com-*  
7     *plaint.*

8             (2) *INVESTIGATION.*—

9             (A) *IN GENERAL.*—*The Secretary shall in-*  
10            *vestigate an allegation of a violation described in*  
11            *paragraph (1) if—*

12               (i) *a decision relating to such violation*  
13               *has not been reached within 60 days after*  
14               *the date of the filing of the grievance or*  
15               *complaint and either party appeals to the*  
16               *Secretary; or*

17               (ii) *a decision relating to such viola-*  
18               *tion has been reached within such 60 days*  
19               *and the party to which such decision is ad-*  
20               *verse appeals such decision to the Secretary.*

21            (B) *ADDITIONAL REQUIREMENT.*—*The Sec-*  
22            *retary shall make a final determination relating*  
23            *to an appeal made under subparagraph (A) no*  
24            *later than 120 days after receiving such appeal.*



1           (3) *REMEDIES.*—*Remedies that may be imposed*  
 2           *under this section for a violation of any requirement*  
 3           *of this title or subtitle C of title I shall be limited—*

4                   (A) *to suspension or termination of pay-*  
 5                   *ments under this title or subtitle C of title I;*

6                   (B) *to prohibition of placement of a partici-*  
 7                   *pant with an employer that has violated any re-*  
 8                   *quirement under this title or subtitle C of title*  
 9                   *I;*

10                  (C) *where applicable, to reinstatement of an*  
 11                  *employee, payment of lost wages and benefits,*  
 12                  *and reestablishment of other relevant terms, con-*  
 13                  *ditions, and privileges of employment; and*

14                  (D) *where appropriate, to other equitable*  
 15                  *relief.*

16           (4) *RULE OF CONSTRUCTION.*—*Nothing in para-*  
 17           *graph (3) shall be construed to prohibit a grievant or*  
 18           *complainant from pursuing a remedy authorized*  
 19           *under another Federal, State, or local law for a viola-*  
 20           *tion of this title or subtitle C of title I.*

21           (d) *RELOCATION.*—

22                   (1) *PROHIBITION ON USE OF FUNDS TO ENCOUR-*  
 23                   *AGE OR INDUCE RELOCATION.*—*No funds provided*  
 24                   *under this title or subtitle C of title I shall be used,*  
 25                   *or proposed for use, to encourage or induce the reloca-*

1        *tion of a business or part of a business if such reloca-*  
2        *tion would result in a loss of employment for any em-*  
3        *ployee of such business at the original location and*  
4        *such original location is within the United States.*

5            (2) *PROHIBITION ON USE OF FUNDS AFTER RE-*  
6        *LOCATION.—No funds provided under this title or*  
7        *subtitle C of title I for an employment or training ac-*  
8        *tivity shall be used for customized or skill training,*  
9        *on-the-job training, incumbent worker training, tran-*  
10       *sitional employment, or company-specific assessments*  
11       *of job applicants or employees, for any business or*  
12       *part of a business that has relocated, until the date*  
13       *that is 120 days after the date on which such business*  
14       *commences operations at the new location, if the relo-*  
15       *cation of such business or part of a business results*  
16       *in a loss of employment for any employee of such*  
17       *business at the original location and such original lo-*  
18       *cation is within the United States.*

19           (3) *REPAYMENT.—If the Secretary determines*  
20       *that a violation of paragraph (1) or (2) has occurred,*  
21       *the Secretary shall require the State that has violated*  
22       *such paragraph (or that has provided funding to an*  
23       *entity that has violated such paragraph) to repay to*  
24       *the United States an amount equal to the amount ex-*  
25       *pended in violation of such paragraph.*

1       (e) *LIMITATION ON USE OF FUNDS.*—No funds avail-  
 2   able to carry out an activity under this title or subtitle C  
 3   of title I shall be used for employment generating activities,  
 4   investment in revolving loan funds, capitalization of busi-  
 5   nesses, investment in contract bidding resource centers, eco-  
 6   nomic development activities, or similar activities, that are  
 7   not directly related to training for eligible individuals  
 8   under this title or subtitle C of title I. No funds received  
 9   to carry out an activity under subtitle B of this title or  
 10   under subtitle C of title I shall be used for foreign travel.

11       (f) *TESTING AND SANCTIONING FOR USE OF CON-*  
 12   *TROLLED SUBSTANCES.*—

13           (1) *IN GENERAL.*—Notwithstanding any other  
 14   provision of law, a State shall not be prohibited by  
 15   the Federal Government from—

16               (A) testing participants in programs under  
 17               subtitle B of this title or under subtitle C of title  
 18               I for the use of controlled substances; and

19               (B) sanctioning such participants who test  
 20               positive for the use of such controlled substances.

21       (2) *ADDITIONAL REQUIREMENTS.*—

22               (A) *PERIOD OF SANCTION.*—In sanctioning  
 23               participants in a program under subtitle B of  
 24               this title or under subtitle C of title I who test  
 25               positive for the use of controlled substances—

1                   (i) *with respect to the first occurrence*  
2                   *for which a participant tests positive, a*  
3                   *State may exclude the participant from the*  
4                   *program for a period not to exceed 6*  
5                   *months; and*

6                   (ii) *with respect to the second occur-*  
7                   *rence and each subsequent occurrence for*  
8                   *which a participant tests positive, a State*  
9                   *may exclude the participant from the pro-*  
10                  *gram for a period not to exceed 2 years.*

11                (B) *APPEAL.*—*The testing of participants*  
12                *and the imposition of sanctions under this sub-*  
13                *section shall be subject to expeditious appeal in*  
14                *accordance with due process procedures estab-*  
15                *lished by the State.*

16                (C) *PRIVACY.*—*A State shall establish proce-*  
17                *dures for testing participants for the use of con-*  
18                *trolled substances that ensure a maximum degree*  
19                *of privacy for the participants.*

20                (3) *FUNDING REQUIREMENT.*—*In testing and*  
21                *sanctioning of participants for the use of controlled*  
22                *substances in accordance with this subsection, the*  
23                *only Federal funds that a State may use are the*  
24                *amounts made available for the administration of*

1        *statewide workforce investment activities under sec-*  
 2        *tion 234(a)(3)(B).*

3        *(g) SUBGRANT AUTHORITY.—A recipient of grant*  
 4        *funds under this title shall have the authority to enter into*  
 5        *subgrants in order to carry out the grant, subject to such*  
 6        *conditions as the Secretary may establish.*

7        **SEC. 282. PROMPT ALLOCATION OF FUNDS.**

8        *(a) ALLOTMENTS BASED ON LATEST AVAILABLE*  
 9        *DATA.—All allotments to States and grants to outlying*  
 10        *areas under this title shall be based on the latest available*  
 11        *data and estimates satisfactory to the Secretary. All data*  
 12        *relating to disadvantaged adults and disadvantaged youth*  
 13        *shall be based on the most recent satisfactory data from the*  
 14        *Bureau of the Census.*

15        *(b) PUBLICATION IN FEDERAL REGISTER RELATING*  
 16        *TO FORMULA FUNDS.—Whenever the Secretary allots funds*  
 17        *required to be allotted under this title, the Secretary shall*  
 18        *publish in a timely fashion in the Federal Register the*  
 19        *amount proposed to be distributed to each recipient of the*  
 20        *funds.*

21        *(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FOR-*  
 22        *MULA.—All funds required to be allotted under section 227*  
 23        *or 232 shall be allotted within 45 days after the date of*  
 24        *enactment of the Act appropriating the funds, except that,*  
 25        *if such funds are appropriated in advance as authorized*

1 *by section 289(g), such funds shall be allotted or allocated*  
2 *not later than the March 31 preceding the program year*  
3 *for which such funds are to be available for obligation.*

4 *(d) PUBLICATION IN FEDERAL REGISTER RELATING*  
5 *TO DISCRETIONARY FUNDS.—Whenever the Secretary uti-*  
6 *lizes a formula to allot or allocate funds made available*  
7 *for distribution at the Secretary's discretion under this*  
8 *title, the Secretary shall, not later than 30 days prior to*  
9 *such allotment or allocation, publish for comment in the*  
10 *Federal Register the formula, the rationale for the formula,*  
11 *and the proposed amounts to be distributed to each State*  
12 *and local area. After consideration of any comments re-*  
13 *ceived, the Secretary shall publish final allotments and allo-*  
14 *cations in the Federal Register.*

15 *(e) AVAILABILITY OF FUNDS.—Funds shall be made*  
16 *available under section 228, and funds shall be made avail-*  
17 *able under section 233, for a local area not later than 30*  
18 *days after the date the funds are made available to the Gov-*  
19 *ernor involved, under section 227 or 232 (as the case may*  
20 *be), or 7 days after the date the local plan for the area*  
21 *is approved, whichever is later.*

22 **SEC. 283. MONITORING.**

23 *(a) IN GENERAL.—The Secretary is authorized to*  
24 *monitor all recipients of financial assistance under this*  
25 *title to determine whether the recipients are complying with*

1 *the provisions of this title and subtitles A and B of title*  
 2 *I, including the regulations issued under this title and such*  
 3 *subtitles.*

4       **(b) INVESTIGATIONS.**—*The Secretary may investigate*  
 5 *any matter the Secretary determines to be necessary to de-*  
 6 *termine the compliance of the recipients with this title and*  
 7 *subtitles A and B of title I, including the regulations issued*  
 8 *under this title and such subtitles. The investigations au-*  
 9 *thorized by this subsection may include examining records*  
 10 *(including making certified copies of the records), ques-*  
 11 *tioning employees, and entering any premises or onto any*  
 12 *site in which any part of a program or activity of such*  
 13 *a recipient is conducted or in which any of the records of*  
 14 *the recipient are kept.*

15       **(c) ADDITIONAL REQUIREMENT.**—*For the purpose of*  
 16 *any investigation or hearing conducted under this title by*  
 17 *the Secretary, the provisions of section 9 of the Federal*  
 18 *Trade Commission Act (15 U.S.C. 49) (relating to the at-*  
 19 *tendance of witnesses and the production of documents)*  
 20 *apply to the Secretary, in the same manner and to the same*  
 21 *extent as the provisions apply to the Federal Trade Com-*  
 22 *mission.*

23 **SEC. 284. FISCAL CONTROLS; SANCTIONS.**

24       **(a) ESTABLISHMENT OF FISCAL CONTROLS BY**  
 25 **STATES.**—

1           (1) *IN GENERAL.*—*Each State shall establish*  
2           *such fiscal control and fund accounting procedures as*  
3           *may be necessary to assure the proper disbursement of,*  
4           *and accounting for, Federal funds allocated to local*  
5           *areas under subtitle B. Such procedures shall ensure*  
6           *that all financial transactions carried out under sub-*  
7           *title B are conducted and records maintained in ac-*  
8           *cordance with generally accepted accounting prin-*  
9           *ciples applicable in each State.*

10          (2) *COST PRINCIPLES.*—

11                (A) *IN GENERAL.*—*Each State (including*  
12                *the Governor of the State), local area (including*  
13                *the chief elected official for the area), and pro-*  
14                *vider receiving funds under this title shall com-*  
15                *ply with the applicable uniform cost principles*  
16                *included in appropriate circulars or rules of the*  
17                *Office of Management and Budget for the type of*  
18                *entity receiving the funds.*

19                (B) *EXCEPTION.*—*The funds made available*  
20                *to a State for administration of statewide work-*  
21                *force investment activities in accordance with*  
22                *section 234(a)(3)(B) shall be allocable to the*  
23                *overall administration of workforce investment*  
24                *activities, but need not be specifically allocable*  
25                *to—*



1                   (i) *the administration of adult employ-*  
 2                   *ment and training activities;*

3                   (ii) *the administration of dislocated*  
 4                   *worker employment and training activities;*

5                   *or*

6                   (iii) *the administration of youth work-*  
 7                   *force investment activities.*

8                   (3)   *UNIFORM   ADMINISTRATIVE   REQUIRE-*  
 9                   *MENTS.—*

10                   (A) *IN GENERAL.—Each State (including*  
 11                   *the Governor of the State), local area (including*  
 12                   *the chief elected official for the area), and pro-*  
 13                   *vider receiving funds under this title shall com-*  
 14                   *ply with the appropriate uniform administrative*  
 15                   *requirements for grants and agreements applica-*  
 16                   *ble for the type of entity receiving the funds, as*  
 17                   *promulgated in circulars or rules of the Office of*  
 18                   *Management and Budget.*

19                   (B) *ADDITIONAL REQUIREMENT.—Procure-*  
 20                   *ment transactions under this title between local*  
 21                   *boards and units of State or local governments*  
 22                   *shall be conducted only on a cost-reimbursable*  
 23                   *basis.*

24                   (4) *MONITORING.—Each Governor of a State*  
 25                   *shall conduct on an annual basis onsite monitoring*

1       of each local area within the State to ensure compli-  
2       ance with the uniform administrative requirements  
3       referred to in paragraph (3).

4           (5) *ACTION BY GOVERNOR.*—If the Governor de-  
5       termines that a local area is not in compliance with  
6       the uniform administrative requirements referred to  
7       in paragraph (3), the Governor shall—

8           (A) require corrective action to secure  
9       prompt compliance with the requirements; and

10          (B) impose the sanctions provided under  
11       subsection (b) in the event of failure to take the  
12       required corrective action.

13          (6) *CERTIFICATION.*—The Governor shall, every  
14       2 years, certify to the Secretary that—

15          (A) the State has implemented the uniform  
16       administrative requirements referred to in para-  
17       graph (3);

18          (B) the State has monitored local areas to  
19       ensure compliance with the uniform administra-  
20       tive requirements as required under paragraph  
21       (4); and

22          (C) the State has taken appropriate action  
23       to secure compliance with the requirements pur-  
24       suant to paragraph (5).

1           (7) *ACTION BY THE SECRETARY.*—If the Sec-  
 2           retary determines that the Governor has not fulfilled  
 3           the requirements of this subsection, the Secretary  
 4           shall—

5                   (A) *require corrective action to secure*  
 6                   *prompt compliance with the requirements of this*  
 7                   *subsection; and*

8                   (B) *impose the sanctions provided under*  
 9                   *subsection (e) in the event of failure of the Gov-*  
 10                  *ernor to take the required appropriate action to*  
 11                  *secure compliance with the requirements.*

12          (b) *SUBSTANTIAL VIOLATION.*—

13           (1) *ACTION BY GOVERNOR.*—If, as a result of fi-  
 14           nancial and compliance audits or otherwise, the Gov-  
 15           ernor determines that there is a substantial violation  
 16           of a specific provision of this title or subtitle A or B  
 17           of title I that relates to the administration of pro-  
 18           grams or activities funded under this title or under  
 19           the Wagner-Peyser Act (29 U.S.C. 49 et seq.), and  
 20           corrective action has not been taken, the Governor  
 21           shall—

22                   (A) *issue a notice of intent to revoke ap-*  
 23                   *proval of all or part of the local plan affected;*  
 24                   *or*

1           (B) impose a reorganization plan, which  
2           may include—

3                   (i) decertifying the local board in-  
4                   volved;

5                   (ii) prohibiting the use of eligible pro-  
6                   viders;

7                   (iii) selecting an alternative entity to  
8                   administer the program for the local area  
9                   involved;

10                  (iv) merging the local area into one or  
11                  more other local areas; or

12                  (v) making such other changes as the  
13                  Secretary or Governor determines to be nec-  
14                  essary to secure compliance with the provi-  
15                  sion.

16           (2) APPEAL.—

17                   (A) IN GENERAL.—The actions taken by the  
18                   Governor pursuant to subparagraphs (A) and  
19                   (B) of paragraph (1) may be appealed to the  
20                   Secretary and shall not become effective until—

21                           (i) the time for appeal has expired; or

22                           (ii) the Secretary has issued a decision.

23                   (B) ADDITIONAL REQUIREMENT.—The Sec-  
24                   retary shall make a final decision under sub-

1           *paragraph (A) not later than 45 days after the*  
 2           *receipt of the appeal.*

3           (3) *ACTION BY THE SECRETARY.—If the Gov-*  
 4           *ernor fails to take promptly an action required under*  
 5           *paragraph (1), the Secretary shall take such action.*

6           (c) *REPAYMENT OF CERTAIN AMOUNTS TO THE*  
 7           *UNITED STATES.—*

8           (1) *IN GENERAL.—Every recipient of funds*  
 9           *under this title shall repay to the United States*  
 10          *amounts found not to have been expended in accord-*  
 11          *ance with this title and subtitles A and B of title I.*

12          (2) *OFFSET OF REPAYMENT AMOUNT.—If the*  
 13          *Secretary determines that a State has expended funds*  
 14          *received under this title in a manner contrary to the*  
 15          *requirements of this title or subtitle A or B of title*  
 16          *I, the Secretary may require repayment by offsetting*  
 17          *the amount of such expenditures against any other*  
 18          *amount to which the State is or may be entitled*  
 19          *under this title, except as provided under subsection*  
 20          *(d)(1).*

21          (3) *REPAYMENT FROM DEDUCTION BY STATE.—*  
 22          *If the Secretary requires a State to repay funds as a*  
 23          *result of a determination that a local area of the*  
 24          *State has expended funds in a manner contrary to the*  
 25          *requirements of this title or subtitle A or B of title*

1        *I, the Governor of the State may use an amount de-*  
2        *ducted under paragraph (4) to repay the funds, ex-*  
3        *cept as provided under subsection (e).*

4                (4) *DEDUCTION BY STATE.—The Governor may*  
5        *deduct an amount equal to the misexpenditure de-*  
6        *scribed in paragraph (3) from subsequent program*  
7        *year (subsequent to the program year for which the*  
8        *determination was made) allocations to the local area*  
9        *from funds reserved for the administrative costs of the*  
10       *local programs involved, as appropriate.*

11               (5) *LIMITATIONS.—A deduction made by a State*  
12       *as described in paragraph (4) shall not be made until*  
13       *such time as the Governor has taken appropriate cor-*  
14       *rective action to ensure full compliance with this title*  
15       *and subtitles A and B of title I within such local area*  
16       *with regard to appropriate expenditures of funds*  
17       *under this title.*

18               (d) *REPAYMENT OF AMOUNTS.—*

19               (1) *IN GENERAL.—Each recipient of funds under*  
20       *this title shall be liable to repay the amounts de-*  
21       *scribed in subsection (c)(1), from funds other than*  
22       *funds received under this title, upon a determination*  
23       *by the Secretary that the misexpenditure of the*  
24       *amounts was due to willful disregard of the require-*  
25       *ments of this title or subtitle A or B of title I, gross*

1       *negligence, failure to observe accepted standards of*  
 2       *administration, or a pattern of misexpenditure de-*  
 3       *scribed in subsection (c)(1). No such determination*  
 4       *shall be made under this subsection or subsection (c)*  
 5       *until notice and opportunity for a fair hearing have*  
 6       *been given to the recipient.*

7               (2) *FACTORS IN IMPOSING SANCTIONS.—In deter-*  
 8       *mining whether to impose any sanction authorized by*  
 9       *this section against a recipient of funds under this*  
 10       *title for violations of this title or subtitle A or B of*  
 11       *title I (including applicable regulations) by a sub-*  
 12       *grantee or contractor of such recipient, the Secretary*  
 13       *shall first determine whether such recipient has ade-*  
 14       *quately demonstrated that the recipient has—*

15               (A) *established and adhered to an appro-*  
 16       *priate system, for entering into and monitoring*  
 17       *subgrant agreements and contracts with sub-*  
 18       *grantees and contractors, that contains accept-*  
 19       *able standards for ensuring accountability;*

20               (B) *entered into a written subgrant agree-*  
 21       *ment or contract with such a subgrantee or con-*  
 22       *tractor that established clear goals and obliga-*  
 23       *tions in unambiguous terms;*

24               (C) *acted with due diligence to monitor the*  
 25       *implementation of the subgrant agreement or*

1           *contract, including carrying out the appropriate*  
 2           *monitoring activities (including audits) at rea-*  
 3           *sonable intervals; and*

4           *(D) taken prompt and appropriate correc-*  
 5           *tive action upon becoming aware of any evidence*  
 6           *of a violation of this title or subtitle A or B of*  
 7           *title I, including regulations issued under this*  
 8           *title or such subtitle, by such subgrantee or con-*  
 9           *tractor.*

10          (3) *WAIVER.—If the Secretary determines that*  
 11          *the recipient has demonstrated substantial compliance*  
 12          *with the requirements of paragraph (2), the Secretary*  
 13          *may waive the imposition of sanctions authorized by*  
 14          *this section upon such recipient. The Secretary is au-*  
 15          *thorized to impose any sanction consistent with the*  
 16          *provisions of this title and subtitles A and B of title*  
 17          *I and with any applicable Federal or State law di-*  
 18          *rectly against any subgrantee or contractor for viola-*  
 19          *tion of this title or subtitle A or B of title I, including*  
 20          *regulations issued under this title or such subtitle.*

21          (e) *IMMEDIATE TERMINATION OR SUSPENSION OF AS-*  
 22          *SISTANCE IN EMERGENCY SITUATIONS.—In emergency situ-*  
 23          *ations, if the Secretary determines it is necessary to protect*  
 24          *the integrity of the funds or ensure the proper operation*  
 25          *of the program or activity involved, the Secretary may im-*



1 *mediately terminate or suspend financial assistance, in*  
2 *whole or in part, to the recipient if the recipient is given*  
3 *prompt notice and the opportunity for a subsequent hearing*  
4 *within 30 days after such termination or suspension. The*  
5 *Secretary shall not delegate any of the functions or author-*  
6 *ity specified in this subsection, other than to an officer*  
7 *whose appointment is required to be made by and with the*  
8 *advice and consent of the Senate.*

9       (f) *DISCRIMINATION AGAINST PARTICIPANTS.—If the*  
10 *Secretary determines that any recipient under this title has*  
11 *discharged or in any other manner discriminated against*  
12 *a participant or against any individual in connection with*  
13 *the administration of the program involved, or against any*  
14 *individual because such individual has filed any complaint*  
15 *or instituted or caused to be instituted any proceeding*  
16 *under or related to this title, or has testified or is about*  
17 *to testify in any such proceeding or an investigation under*  
18 *or related to this title, or otherwise unlawfully denied to*  
19 *any individual a benefit to which that individual is entitled*  
20 *under the provisions of this title, including regulations*  
21 *issued under this title, the Secretary shall, within 30 days,*  
22 *take such action or order such corrective measures, as nec-*  
23 *essary, with respect to the recipient or the aggrieved indi-*  
24 *vidual, or both.*

1       (g) *REMEDIES.*—*The remedies described in this section*  
 2   *shall not be considered to be the exclusive remedies available*  
 3   *for violations described in this section.*

4   **SEC. 285. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

5       (a) *RECIPIENT RECORDKEEPING AND REPORTS.*—

6           (1) *IN GENERAL.*—*Recipients of funds under this*  
 7   *title shall keep records that are sufficient to permit*  
 8   *the preparation of reports required by this title or*  
 9   *subtitle A or B of title I and to permit the tracing*  
 10   *of funds to a level of expenditure adequate to ensure*  
 11   *that the funds have not been spent unlawfully.*

12          (2) *RECORDS AND REPORTS REGARDING GEN-*  
 13   *ERAL PERFORMANCE.*—*Every such recipient shall*  
 14   *maintain such records and submit such reports, in*  
 15   *such form and containing such information, as the*  
 16   *Secretary may require regarding the performance of*  
 17   *programs and activities carried out under this title.*  
 18   *Such records and reports shall be submitted to the*  
 19   *Secretary but shall not be required to be submitted*  
 20   *more than once each quarter unless specifically re-*  
 21   *quested by Congress or a committee of Congress, in*  
 22   *which case an estimate regarding such information*  
 23   *may be provided.*

24          (3)    *MAINTENANCE       OF       STANDARDIZED*  
 25    *RECORDS.*—*In order to allow for the preparation of*

1     *the reports required under subsection (c), such recipi-*  
 2     *ents shall maintain standardized records for all indi-*  
 3     *vidual participants and provide to the Secretary a*  
 4     *sufficient number of such records to provide for an*  
 5     *adequate analysis of the records.*

6             (4) *AVAILABILITY TO THE PUBLIC.—*

7                 (A) *IN GENERAL.—Except as provided in*  
 8                 *subparagraph (B), records maintained by such*  
 9                 *recipients pursuant to this subsection shall be*  
 10                *made available to the public upon request.*

11               (B) *EXCEPTION.—Subparagraph (A) shall*  
 12                *not apply to—*

13                   (i) *information, the disclosure of which*  
 14                    *would constitute a clearly unwarranted in-*  
 15                    *vasion of personal privacy; and*

16                   (ii) *trade secrets, or commercial or fi-*  
 17                    *nancial information, that is—*

18                                 (I) *obtained from a person; and*

19                                 (II) *privileged or confidential.*

20               (C) *FEEES TO RECOVER COSTS.—Such re-*  
 21                *cipients may charge fees sufficient to recover*  
 22                *costs applicable to the processing of requests for*  
 23                *records under subparagraph (A).*

24             (b) *INVESTIGATIONS OF USE OF FUNDS.—*

25                 (1) *IN GENERAL.—*

1           (A) *SECRETARY.*—*In order to evaluate com-*  
2           *pliance with the provisions of this title and sub-*  
3           *titles A and B of title I, the Secretary shall con-*  
4           *duct, in several States, in each fiscal year, inves-*  
5           *tigations of the use of funds received by recipi-*  
6           *ents under this title.*

7           (B) *COMPTROLLER GENERAL OF THE*  
8           *UNITED STATES.*—*In order to ensure compliance*  
9           *with the provisions of this title and subtitles A*  
10          *and B of title I, the Comptroller General of the*  
11          *United States may conduct investigations of the*  
12          *use of funds received under this title by any re-*  
13          *cipient.*

14          (2) *PROHIBITION.*—*In conducting any investiga-*  
15          *tion under this title, the Secretary or the Comptroller*  
16          *General of the United States may not request the*  
17          *compilation of any information that the recipient is*  
18          *not otherwise required to compile and that is not*  
19          *readily available to such recipient.*

20          (3) *AUDITS.*—

21               (A) *IN GENERAL.*—*In carrying out any*  
22               *audit under this title (other than any initial*  
23               *audit survey or any audit investigating possible*  
24               *criminal or fraudulent conduct), either directly*  
25               *or through grant or contract, the Secretary, the*

1        *Inspector General of the Department of Labor, or*  
2        *the Comptroller General of the United States*  
3        *shall furnish to the State, recipient, or other en-*  
4        *tity to be audited, advance notification of the*  
5        *overall objectives and purposes of the audit, and*  
6        *any extensive recordkeeping or data requirements*  
7        *to be met, not later than 14 days (or as soon as*  
8        *practicable) prior to the commencement of the*  
9        *audit.*

10        (B) *NOTIFICATION REQUIREMENT.—If the*  
11        *scope, objectives, or purposes of the audit change*  
12        *substantially during the course of the audit, the*  
13        *entity being audited shall be notified of the*  
14        *change as soon as practicable.*

15        (C) *ADDITIONAL REQUIREMENT.—The re-*  
16        *ports on the results of such audits shall cite the*  
17        *law, regulation, policy, or other criteria applica-*  
18        *ble to any finding contained in the reports.*

19        (D) *RULE OF CONSTRUCTION.—Nothing*  
20        *contained in this title shall be construed so as to*  
21        *be inconsistent with the Inspector General Act of*  
22        *1978 (5 U.S.C. App.) or government auditing*  
23        *standards issued by the Comptroller General of*  
24        *the United States.*

1       (c) *GRANTEE INFORMATION RESPONSIBILITIES.*—

2   *Each State, each local board, and each recipient (other than*  
 3   *a subrecipient, subgrantee, or contractor of a recipient) re-*  
 4   *ceiving funds under this title—*

5           (1) *shall make readily accessible such reports*  
 6       *concerning its operations and expenditures as shall be*  
 7       *prescribed by the Secretary;*

8           (2) *shall prescribe and maintain comparable*  
 9       *management information systems, in accordance with*  
 10       *guidelines that shall be prescribed by the Secretary,*  
 11       *designed to facilitate the uniform compilation, cross*  
 12       *tabulation, and analysis of programmatic, partici-*  
 13       *pant, and financial data, on statewide, local area,*  
 14       *and other appropriate bases, necessary for reporting,*  
 15       *monitoring, and evaluating purposes, including data*  
 16       *necessary to comply with section 288;*

17          (3) *shall monitor the performance of providers in*  
 18       *complying with the terms of grants, contracts, or*  
 19       *other agreements made pursuant to this title; and*

20          (4) *shall, to the extent practicable, submit or*  
 21       *make available (including through electronic means)*  
 22       *any reports, records, plans, or any other data that*  
 23       *are required to be submitted or made available, re-*  
 24       *spectively, under this title or subtitle A or B of title*  
 25       *I.*

1       (d) *INFORMATION TO BE INCLUDED IN REPORTS.*—

2           (1) *IN GENERAL.*—*The reports required in sub-*  
3       *section (c) shall include information regarding pro-*  
4       *grams and activities carried out under this title per-*  
5       *taining to—*

6           (A) *the relevant demographic characteristics*  
7       *(including race, ethnicity, sex, and age) and*  
8       *other related information regarding participants;*

9           (B) *the programs and activities in which*  
10       *participants are enrolled, and the length of time*  
11       *that participants are engaged in such programs*  
12       *and activities;*

13          (C) *outcomes of the programs and activities*  
14       *for participants, including the occupations of*  
15       *participants, and placement for participants in*  
16       *nontraditional employment;*

17          (D) *specified costs of the programs and ac-*  
18       *tivities; and*

19          (E) *information necessary to prepare re-*  
20       *ports to comply with section 288.*

21       (2) *ADDITIONAL REQUIREMENT.*—*The Secretary*  
22       *shall ensure that all elements of the information re-*  
23       *quired for the reports described in paragraph (1) are*  
24       *defined and that the information is reported uni-*  
25       *formly.*

1       (e) *QUARTERLY FINANCIAL REPORTS.*—

2               (1) *IN GENERAL.*—*Each local board in a State*  
 3       *shall submit quarterly financial reports to the Gov-*  
 4       *ernor with respect to programs and activities carried*  
 5       *out under this title. Such reports shall include infor-*  
 6       *mation identifying all program and activity costs by*  
 7       *cost category in accordance with generally accepted*  
 8       *accounting principles and by year of the appropria-*  
 9       *tion involved.*

10              (2) *ADDITIONAL REQUIREMENT.*—*Each State*  
 11       *shall submit to the Secretary, on a quarterly basis, a*  
 12       *summary of the reports submitted to the Governor*  
 13       *pursuant to paragraph (1).*

14       (f) *MAINTENANCE OF ADDITIONAL RECORDS.*—*Each*  
 15       *State and local board shall maintain records with respect*  
 16       *to programs and activities carried out under this title that*  
 17       *identify—*

18              (1) *any income or profits earned, including such*  
 19       *income or profits earned by subrecipients; and*

20              (2) *any costs incurred (such as stand-in costs)*  
 21       *that are otherwise allowable except for funding limi-*  
 22       *tations.*

23       (g) *COST CATEGORIES.*—*In requiring entities to*  
 24       *maintain records of costs by cost category under this title,*



1 *the Secretary shall require only that the costs be categorized*  
2 *as administrative or programmatic costs.*

3 **SEC. 286. ADMINISTRATIVE ADJUDICATION.**

4       (a) *IN GENERAL.*—Whenever any applicant for finan-  
5 *cial assistance under this title is dissatisfied because the*  
6 *Secretary has made a determination not to award financial*  
7 *assistance in whole or in part to such applicant, the appli-*  
8 *cant may request a hearing before an administrative law*  
9 *judge of the Department of Labor. A similar hearing may*  
10 *also be requested by any recipient for whom a corrective*  
11 *action has been required or a sanction has been imposed*  
12 *by the Secretary under section 284.*

13       (b) *APPEAL.*—The decision of the administrative law  
14 *judge shall constitute final action by the Secretary unless,*  
15 *within 20 days after receipt of the decision of the adminis-*  
16 *trative law judge, a party dissatisfied with the decision or*  
17 *any part of the decision has filed exceptions with the Sec-*  
18 *retary specifically identifying the procedure, fact, law, or*  
19 *policy to which exception is taken. Any exception not spe-*  
20 *cifically urged during the 20-day period shall be deemed*  
21 *to have been waived. After the 20-day period the decision*  
22 *of the administrative law judge shall become the final deci-*  
23 *sion of the Secretary unless the Secretary, within 30 days*  
24 *after such filing, notifies the parties that the case involved*  
25 *has been accepted for review.*

1       (c) *TIME LIMIT.*—Any case accepted for review by the  
 2 Secretary under subsection (b) shall be decided within 180  
 3 days after such acceptance. If the case is not decided within  
 4 the 180-day period, the decision of the administrative law  
 5 judge shall become the final decision of the Secretary at the  
 6 end of the 180-day period.

7       (d) *ADDITIONAL REQUIREMENT.*—The provisions of  
 8 section 287 shall apply to any final action of the Secretary  
 9 under this section.

10 **SEC. 287. JUDICIAL REVIEW.**

11       (a) *REVIEW.*—

12           (1) *PETITION.*—With respect to any final order  
 13 by the Secretary under section 286 by which the Sec-  
 14 retary awards, declines to award, or only condi-  
 15 tionally awards, financial assistance under this title,  
 16 or any final order of the Secretary under section 286  
 17 with respect to a corrective action or sanction im-  
 18 posed under section 284, any party to a proceeding  
 19 that resulted in such final order may obtain review  
 20 of such final order in the United States Court of Ap-  
 21 peals having jurisdiction over the applicant for or re-  
 22 cipient of the funds involved, by filing a review peti-  
 23 tion within 30 days after the date of issuance of such  
 24 final order.

1           (2) *ACTION ON PETITION.*—*The clerk of the court*  
 2           *shall transmit a copy of the review petition to the*  
 3           *Secretary, who shall file the record on which the final*  
 4           *order was entered as provided in section 2112 of title*  
 5           *28, United States Code. The filing of a review peti-*  
 6           *tion shall not stay the order of the Secretary, unless*  
 7           *the court orders a stay. Petitions filed under this sub-*  
 8           *section shall be heard expeditiously, if possible within*  
 9           *10 days after the date of filing of a reply to the peti-*  
 10          *tion.*

11           (3) *STANDARD AND SCOPE OF REVIEW.*—*No ob-*  
 12          *jection to the order of the Secretary shall be consid-*  
 13          *ered by the court unless the objection was specifically*  
 14          *urged, in a timely manner, before the Secretary. The*  
 15          *review shall be limited to questions of law and the*  
 16          *findings of fact of the Secretary shall be conclusive if*  
 17          *supported by substantial evidence.*

18          (b) *JUDGMENT.*—*The court shall have jurisdiction to*  
 19          *make and enter a decree affirming, modifying, or setting*  
 20          *aside the order of the Secretary in whole or in part. The*  
 21          *judgment of the court regarding the order shall be final,*  
 22          *subject to certiorari review by the Supreme Court as pro-*  
 23          *vided in section 1254(1) of title 28, United States Code.*

24   **SEC. 288. NONDISCRIMINATION.**

25          (a) *IN GENERAL.*—

1           (1) *FEDERAL FINANCIAL ASSISTANCE.*—*For the*  
2           *purpose of applying the prohibitions against dis-*  
3           *crimination on the basis of age under the Age Dis-*  
4           *crimination Act of 1975 (42 U.S.C. 6101 et seq.), on*  
5           *the basis of disability under section 504 of the Reha-*  
6           *bilitation Act of 1973 (29 U.S.C. 794), on the basis*  
7           *of sex under title IX of the Education Amendments of*  
8           *1972 (20 U.S.C. 1681 et seq.), or on the basis of race,*  
9           *color, or national origin under title VI of the Civil*  
10          *Rights Act of 1964 (42 U.S.C. 2000d et seq.), pro-*  
11          *grams and activities funded or otherwise financially*  
12          *assisted in whole or in part under this Act are con-*  
13          *sidered to be programs and activities receiving Fed-*  
14          *eral financial assistance.*

15          (2) *PROHIBITION OF DISCRIMINATION REGARD-*  
16          *ING PARTICIPATION, BENEFITS, AND EMPLOYMENT.*—  
17          *No individual shall be excluded from participation*  
18          *in, denied the benefits of, subjected to discrimination*  
19          *under, or denied employment in the administration of*  
20          *or in connection with, any such program or activity*  
21          *because of race, color, religion, sex (except as other-*  
22          *wise permitted under title IX of the Education*  
23          *Amendments of 1972), national origin, age, dis-*  
24          *ability, or political affiliation or belief.*

1           (3) *PROHIBITION ON ASSISTANCE FOR FACILI-*  
2           *TIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS*  
3           *WORSHIP.*—*Participants shall not be employed under*  
4           *this title or subtitle C of title I to carry out the con-*  
5           *struction, operation, or maintenance of any part of*  
6           *any facility that is used or to be used for sectarian*  
7           *instruction or as a place for religious worship (except*  
8           *with respect to the maintenance of a facility that is*  
9           *not primarily or inherently devoted to sectarian in-*  
10          *struction or religious worship, in a case in which the*  
11          *organization operating the facility is part of a pro-*  
12          *gram or activity providing services to participants).*

13          (4) *PROHIBITION ON DISCRIMINATION ON BASIS*  
14          *OF PARTICIPANT STATUS.*—*No person may discrimi-*  
15          *nate against an individual who is a participant in*  
16          *a program or activity that receives funds under this*  
17          *title or subtitle C of title I, with respect to the terms*  
18          *and conditions affecting, or rights provided to, the in-*  
19          *dividual, solely because of the status of the individual*  
20          *as a participant.*

21          (5) *PROHIBITION ON DISCRIMINATION AGAINST*  
22          *CERTAIN NONCITIZENS.*—*Participation in programs*  
23          *and activities or receiving funds under this title shall*  
24          *be available to citizens and nationals of the United*  
25          *States, lawfully admitted permanent resident aliens,*

1        *refugees, asylees, and parolees, and other immigrants*  
 2        *authorized by the Attorney General to work in the*  
 3        *United States.*

4        *(b) ACTION OF SECRETARY.—Whenever the Secretary*  
 5        *finds that a State or other recipient of funds under this*  
 6        *title has failed to comply with a provision of law referred*  
 7        *to in subsection (a)(1), or with paragraph (2), (3), (4), or*  
 8        *(5) of subsection (a), including an applicable regulation*  
 9        *prescribed to carry out such provision or paragraph, the*  
 10       *Secretary shall notify such State or recipient and shall re-*  
 11       *quest that the State or recipient comply. If within a reason-*  
 12       *able period of time, not to exceed 60 days, the State or re-*  
 13       *cipient fails or refuses to comply, the Secretary may—*

14                *(1) refer the matter to the Attorney General with*  
 15                *a recommendation that an appropriate civil action be*  
 16                *instituted; or*

17                *(2) take such other action as may be provided by*  
 18                *law.*

19        *(c) ACTION OF ATTORNEY GENERAL.—When a matter*  
 20        *is referred to the Attorney General pursuant to subsection*  
 21        *(b)(1), or whenever the Attorney General has reason to be-*  
 22        *lieve that a State or other recipient of funds under this title*  
 23        *is engaged in a pattern or practice of discrimination in*  
 24        *violation of a provision of law referred to in subsection*  
 25        *(a)(1) or in violation of paragraph (2), (3), (4), or (5) of*

1 subsection (a), the Attorney General may bring a civil ac-  
 2 tion in any appropriate district court of the United States  
 3 for such relief as may be appropriate, including injunctive  
 4 relief.

5 (d) *JOB CORPS.*—For the purposes of this section, Job  
 6 Corps members shall be considered to be the ultimate bene-  
 7 ficiaries of Federal financial assistance.

8 (e) *REGULATIONS.*—The Secretary shall issue regula-  
 9 tions necessary to implement this section not later than 1  
 10 year after the date of enactment of the Workforce Investment  
 11 Act of 2013. Such regulations shall adopt standards for de-  
 12 termining discrimination and procedures for enforcement  
 13 that are consistent with the Acts referred to in subsection  
 14 (a)(1), as well as procedures to ensure that complaints filed  
 15 under this section and such Acts are processed in a manner  
 16 that avoids duplication of effort.

17 **SEC. 289. SECRETARIAL ADMINISTRATIVE AUTHORITIES**  
 18 **AND RESPONSIBILITIES.**

19 (a) *IN GENERAL.*—In accordance with chapter 5 of  
 20 title 5, United States Code, the Secretary may prescribe  
 21 rules and regulations to carry out this title and appropriate  
 22 provisions of subtitles A and B of title I, only to the extent  
 23 necessary to administer and ensure compliance with the re-  
 24 quirements of this title and such subtitles. Such rules and  
 25 regulations may include provisions making adjustments au-

1 *thorized by section 6504 of title 31, United States Code.*  
 2 *All such rules and regulations shall be published in the Fed-*  
 3 *eral Register at least 30 days prior to their effective dates.*  
 4 *Copies of each such rule or regulation shall be transmitted*  
 5 *to the appropriate committees of Congress on the date of*  
 6 *such publication and shall contain, with respect to each ma-*  
 7 *terial provision of such rule or regulation, a citation to the*  
 8 *particular substantive section of law that is the basis for*  
 9 *the provision.*

10       (b) *ACQUISITION OF CERTAIN PROPERTY AND SERV-*  
 11 *ICES.—The Secretary is authorized, in carrying out this*  
 12 *title, to accept, purchase, or lease in the name of the Depart-*  
 13 *ment of Labor, and employ or dispose of in furtherance of*  
 14 *the purposes of this title, any money or property, real, per-*  
 15 *sonal, or mixed, tangible or intangible, received by gift, de-*  
 16 *vise, bequest, or otherwise, and to accept voluntary and un-*  
 17 *compensated services notwithstanding the provisions of sec-*  
 18 *tion 1342 of title 31, United States Code.*

19       (c) *AUTHORITY TO ENTER INTO CERTAIN AGREE-*  
 20 *MENTS AND TO MAKE CERTAIN EXPENDITURES.—The Sec-*  
 21 *retary may make such grants, enter into such contracts or*  
 22 *agreements, establish such procedures, and make such pay-*  
 23 *ments, in installments and in advance or by way of reim-*  
 24 *bursement, or otherwise allocate or expend such funds under*  
 25 *this title, as may be necessary to carry out this title, includ-*



1 *ing making expenditures for construction, repairs, and cap-*  
2 *ital improvements, and including making necessary adjust-*  
3 *ments in payments on account of over-payments or under-*  
4 *payments.*

5       (d) *ANNUAL REPORT.*—*The Secretary shall prepare*  
6 *and submit to the Committee on Education and the Work-*  
7 *force of the House of Representatives and the Committee*  
8 *on Health, Education, Labor, and Pensions of the Senate*  
9 *an annual report regarding the programs and activities*  
10 *funded under this title. The Secretary shall include in such*  
11 *report—*

12               (1) *a summary of the achievements, failures, and*  
13 *challenges of the programs and activities in meeting*  
14 *the objectives of this title and title I;*

15               (2) *a summary of major findings from research,*  
16 *evaluations, pilot projects, and experiments conducted*  
17 *under this title in the fiscal year prior to the submis-*  
18 *sion of the report;*

19               (3) *recommendations for modifications in the*  
20 *programs and activities based on analysis of such*  
21 *findings; and*

22               (4) *such other recommendations for legislative or*  
23 *administrative action as the Secretary determines to*  
24 *be appropriate.*

1       (e) *UTILIZATION OF SERVICES AND FACILITIES.*—The  
2   Secretary is authorized, in carrying out this title and sub-  
3   titles A and B of title I, under the same procedures as are  
4   applicable under subsection (c) or to the extent permitted  
5   by law other than this title and such subtitles, to accept  
6   and use the services and facilities of departments, agencies,  
7   and establishments of the United States. The Secretary is  
8   also authorized, in carrying out this title and such subtitles,  
9   to accept and use the services and facilities of the agencies  
10   of any State or political subdivision of a State, with the  
11   consent of the State or political subdivision.

12       (f) *OBLIGATIONAL AUTHORITY.*—Notwithstanding any  
13   other provision of this title, the Secretary shall have no au-  
14   thority to enter into contracts, grant agreements, or other  
15   financial assistance agreements under this title, except to  
16   such extent and in such amounts as are provided in ad-  
17   vance in appropriations Acts.

18       (g) *PROGRAM YEAR.*—

19           (1) *IN GENERAL.*—

20               (A) *PROGRAM YEAR.*—Except as provided  
21               in subparagraph (B) and section 272, appro-  
22               priations for any fiscal year for programs and  
23               activities funded under this title shall be avail-  
24               able for obligation only on the basis of a pro-  
25               gram year. The program year shall begin on

1       *July 1 in the fiscal year for which the appro-*  
 2       *priation is made.*

3               *(B) YOUTH WORKFORCE INVESTMENT AC-*  
 4       *TIVITIES.—The Secretary may make available*  
 5       *for obligation, beginning April 1 of any fiscal*  
 6       *year, funds appropriated for such fiscal year to*  
 7       *carry out youth workforce investment activities*  
 8       *under subtitle B.*

9       *(2) AVAILABILITY.—*

10              *(A) IN GENERAL.—Funds obligated for any*  
 11       *program year for a program or activity funded*  
 12       *under subtitle B may be expended by each State*  
 13       *receiving such funds during that program year*  
 14       *and the 2 succeeding program years. Funds re-*  
 15       *ceived by local areas from States under subtitle*  
 16       *B during a program year may be expended dur-*  
 17       *ing that program year and the succeeding pro-*  
 18       *gram year.*

19              *(B) CERTAIN NATIONAL ACTIVITIES.—*

20              *(i) IN GENERAL.—Funds obligated for*  
 21       *any program year for any program or ac-*  
 22       *tivity carried out under section 270 shall*  
 23       *remain available until expended.*

24              *(ii) INCREMENTAL FUNDING BASIS.—A*  
 25       *contract or arrangement entered into under*

1           the authority of subsection (a) or (b) of sec-  
 2           tion 270 (relating to evaluations, research  
 3           projects, studies and reports, and multistate  
 4           projects), including a long-term, nonsever-  
 5           able services contract, may be funded on an  
 6           incremental basis with annual appropri-  
 7           ations or other available funds.

8           (C) *SPECIAL RULE.*—No amount of the  
 9           funds obligated for a program year for a pro-  
 10          gram or activity funded under this title shall be  
 11          deobligated on account of a rate of expenditure  
 12          that is consistent with a State plan, an oper-  
 13          ating plan described in section 251, or a plan,  
 14          grant agreement, contract, application, or other  
 15          agreement described in subtitle D, as appro-  
 16          priate.

17          (h) *ENFORCEMENT OF MILITARY SELECTIVE SERVICE*  
 18          *ACT.*—The Secretary shall ensure that each individual par-  
 19          ticipating in any program or activity established under this  
 20          title, or receiving any assistance or benefit under this title,  
 21          has not violated section 3 of the Military Selective Service  
 22          Act (50 U.S.C. App. 453) by not presenting and submitting  
 23          to registration as required pursuant to such section. The  
 24          Director of the Selective Service System shall cooperate with

1 *the Secretary to enable the Secretary to carry out this sub-*  
2 *section.*

3 (i) *WAIVERS.—*

4 (1) *SPECIAL RULE REGARDING DESIGNATED*  
5 *AREAS.—A State that has enacted, not later than De-*  
6 *cember 31, 1997, a State law providing for the des-*  
7 *ignation of service delivery areas for the delivery of*  
8 *workforce investment activities, may use such areas*  
9 *as local areas under this title and title I, notwith-*  
10 *standing section 116.*

11 (2) *SPECIAL RULE REGARDING SANCTIONS.—A*  
12 *State that has enacted, not later than December 31,*  
13 *1997, a State law providing for the sanctioning of*  
14 *such service delivery areas for failure to meet per-*  
15 *formance measures for workforce investment activi-*  
16 *ties, may use the State law to sanction local areas for*  
17 *failure to meet State performance accountability*  
18 *measures under title I.*

19 (3) *GENERAL WAIVERS OF STATUTORY OR REGU-*  
20 *LATORY REQUIREMENTS.—*

21 (A) *GENERAL AUTHORITY.—Notwith-*  
22 *standing any other provision of law, the Sec-*  
23 *retary may waive for a State, or a local area in*  
24 *a State, pursuant to a request submitted by the*  
25 *Governor of the State (in consultation with ap-*

1        *propriate local elected officials) with a plan that*  
2        *meets the requirements of subparagraph (B)—*

3                *(i) any of the statutory or regulatory*  
4                *requirements of subtitle A or B of title I*  
5                *that relate to the administration of pro-*  
6                *grams or activities funded under this title*  
7                *or the Wagner-Peyser Act (29 U.S.C. 49 et*  
8                *seq.), subtitle B of this title, section 272, or*  
9                *this subtitle (except for requirements relat-*  
10               *ing to wage and labor standards, including*  
11               *nondisplacement protections, worker rights,*  
12               *participation and protection of workers and*  
13               *participants, grievance procedures and judi-*  
14               *cial review, nondiscrimination, allocation of*  
15               *funds to local areas, eligibility of providers*  
16               *or participants, the establishment and func-*  
17               *tions of local areas and local boards, the*  
18               *funding of infrastructure costs for one-stop*  
19               *centers, and procedures for review and ap-*  
20               *proval of plans, and other requirements re-*  
21               *lating to the basic purposes of this title and*  
22               *title I); and*

23               *(ii) any of the statutory or regulatory*  
24               *requirements of sections 8 through 10 of the*  
25               *Wagner-Peyser Act (29 U.S.C. 49g through*

1           49i) (excluding requirements relating to the  
2           provision of services to unemployment in-  
3           surance claimants and veterans, and re-  
4           quirements relating to universal access to  
5           basic labor exchange services without cost to  
6           jobseekers).

7           (B) REQUESTS.—A Governor requesting a  
8           waiver under subparagraph (A) shall submit a  
9           plan to the Secretary to improve the statewide  
10          workforce development system that—

11           (i) identifies the statutory or regu-  
12          latory requirements that are requested to be  
13          waived and the goals that the State or local  
14          area in the State, as appropriate, intends to  
15          achieve as a result of the waiver;

16           (ii) describes the actions that the State  
17          or local area, as appropriate, has under-  
18          taken to remove State or local statutory or  
19          regulatory barriers;

20           (iii) describes the goals of the waiver  
21          and the expected programmatic outcomes if  
22          the request is granted;

23           (iv) describes the individuals impacted  
24          by the waiver; and

1                   (v) describes the process used to mon-  
 2                   itor the progress in implementing such a  
 3                   waiver, and the process by which notice  
 4                   and, in the case of a waiver for a local  
 5                   area, an opportunity to comment on such  
 6                   request has been provided to the local board  
 7                   for the local area for which the waiver is re-  
 8                   quested.

9                   (C) CONDITIONS.—Not later than 90 days  
 10                  after the date of the original submission of a re-  
 11                  quest for a waiver under subparagraph (A), the  
 12                  Secretary shall provide a waiver under this sub-  
 13                  section if and only to the extent that—

14                 (i) the Secretary determines that the  
 15                 requirements requested to be waived impede  
 16                 the ability of the State or local area, as ap-  
 17                 propriate, to implement the plan described  
 18                 in subparagraph (B); and

19                 (ii) the State has executed a memo-  
 20                 randum of understanding with the Sec-  
 21                 retary requiring such State to meet, or en-  
 22                 sure that the local area for which the waiver  
 23                 is requested meets, agreed-upon outcomes  
 24                 and to implement other appropriate meas-  
 25                 ures to ensure accountability.



1                   (D) *EXPEDITED DETERMINATION REGARD-*  
 2                   *ING PROVISION OF WAIVERS.—If the Secretary*  
 3                   *has approved a waiver of statutory or regulatory*  
 4                   *requirements for a State or local area pursuant*  
 5                   *to this subsection, the Secretary shall expedite*  
 6                   *the determination regarding the provision of that*  
 7                   *waiver, for another State or local area if such*  
 8                   *waiver is in accordance with the approved State*  
 9                   *or local plan, as appropriate.*

10 **SEC. 290. WORKFORCE FLEXIBILITY PLANS.**

11           (a) *PLANS.—A State may submit to the Secretary, and*  
 12           *the Secretary may approve, a workforce flexibility plan*  
 13           *under which the State is authorized to waive, in accordance*  
 14           *with the plan—*

15                   (1) *any of the statutory or regulatory require-*  
 16                   *ments applicable under this title or subtitle A or B*  
 17                   *of title I to local areas, pursuant to applications for*  
 18                   *such waivers from the local areas, except for require-*  
 19                   *ments relating to the basic purposes of this title and*  
 20                   *title I, wage and labor standards, grievance proce-*  
 21                   *dures and judicial review, nondiscrimination, eligi-*  
 22                   *bility of participants, allocation of funds to local*  
 23                   *areas, establishment and functions of local areas and*  
 24                   *local boards, procedures for review and approval of*

1     *local plans, and worker rights, participation, and*  
 2     *protection;*

3             *(2) any of the statutory or regulatory require-*  
 4     *ments applicable under sections 8 through 10 of the*  
 5     *Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the*  
 6     *State (excluding requirements relating to the provi-*  
 7     *sion of services to unemployment insurance claimants*  
 8     *and veterans, and requirements relating to universal*  
 9     *access to basic labor exchange services without cost to*  
 10    *jobseekers); and*

11            *(3) any of the statutory or regulatory require-*  
 12    *ments applicable under the Older Americans Act of*  
 13    *1965 (42 U.S.C. 3001 et seq.) to State agencies on*  
 14    *aging with respect to activities carried out using*  
 15    *funds allotted under section 506(b) of such Act (42*  
 16    *U.S.C. 3056d(b)), except for requirements relating to*  
 17    *the basic purposes of such Act, wage and labor stand-*  
 18    *ards, eligibility of participants in the activities, and*  
 19    *standards for grant agreements.*

20            *(b) CONTENT OF PLANS.—A workforce flexibility plan*  
 21    *implemented by a State under subsection (a) shall include*  
 22    *descriptions of—*

23             *(1)(A) the process by which local areas in the*  
 24     *State may submit and obtain approval by the State*

1       *of applications for waivers of requirements applicable*  
2       *under this title or subtitle A or B of title I; and*

3               *(B) the requirements described in subparagraph*  
4       *(A) that are likely to be waived by the State under*  
5       *the plan;*

6               *(2) the requirements applicable under sections 8*  
7       *through 10 of the Wagner-Peyser Act that are pro-*  
8       *posed to be waived, if any;*

9               *(3) the requirements applicable under the Older*  
10       *Americans Act of 1965 that are proposed to be*  
11       *waived, if any;*

12               *(4) the outcomes to be achieved by the waivers*  
13       *described in paragraphs (1) through (3); and*

14               *(5) other measures to be taken to ensure appro-*  
15       *priate accountability for Federal funds in connection*  
16       *with the waivers.*

17       *(c) PERIODS.—The Secretary may approve a work-*  
18       *force flexibility plan for a period of not more than 5 years.*

19       *(d) OPPORTUNITY FOR PUBLIC COMMENTS.—Prior to*  
20       *submitting a workforce flexibility plan to the Secretary for*  
21       *approval, the State shall provide to all interested parties*  
22       *and to the general public adequate notice of and a reason-*  
23       *able opportunity for comment on the waiver requests pro-*  
24       *posed to be implemented pursuant to such plan.*

1 **SEC. 291. STATE LEGISLATIVE AUTHORITY.**

2       (a) *AUTHORITY OF STATE LEGISLATURE.*—Nothing in  
 3 this title or subtitle A or B of title I shall be interpreted  
 4 to preclude the enactment of State legislation providing for  
 5 the implementation, consistent with the provisions of this  
 6 title and subtitles A and B of title I, of the activities assisted  
 7 under this title or subtitle A or B of title I. Any funds re-  
 8 ceived by a State under this title shall be subject to appro-  
 9 priation by the State legislature, consistent with the terms  
 10 and conditions required under this title and such subtitles.

11       (b) *INTERSTATE COMPACTS AND COOPERATIVE*  
 12 *AGREEMENTS.*—In the event that compliance with provi-  
 13 sions of this title or title I would be enhanced by compacts  
 14 and cooperative agreements between States, the consent of  
 15 Congress is given to States to enter into such compacts and  
 16 agreements to facilitate such compliance, subject to the ap-  
 17 proval of the Secretary.

18 **SEC. 292. TRANSFER OF FEDERAL EQUITY IN STATE EM-**  
 19 **PLOYMENT SECURITY AGENCY REAL PROP-**  
 20 **ERTY TO THE STATES.**

21       (a) *TRANSFER OF FEDERAL EQUITY.*—Notwith-  
 22 standing any other provision of law, any Federal equity  
 23 acquired in real property through grants to States awarded  
 24 under title III of the Social Security Act (42 U.S.C. 501  
 25 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et  
 26 seq.) is transferred to the States that used the grants for

1 *the acquisition of such equity. The portion of any real prop-*  
 2 *erty that is attributable to the Federal equity transferred*  
 3 *under this section shall be used to carry out activities au-*  
 4 *thorized under this Act, title III of the Social Security Act,*  
 5 *or the Wagner-Peyser Act. Any disposition of such real*  
 6 *property shall be carried out in accordance with the proce-*  
 7 *dures prescribed by the Secretary and the portion of the*  
 8 *proceeds from the disposition of such real property that is*  
 9 *attributable to the Federal equity transferred under this sec-*  
 10 *tion shall be used to carry out activities authorized under*  
 11 *this Act, title III of the Social Security Act, or the Wagner-*  
 12 *Peyser Act.*

13       **(b) LIMITATION ON USE.**—*A State shall not use funds*  
 14 *awarded under this Act, title III of the Social Security Act,*  
 15 *or the Wagner-Peyser Act to amortize the costs of real prop-*  
 16 *erty that is purchased by any State on or after the date*  
 17 *of enactment of the Revised Continuing Appropriations*  
 18 *Resolution, 2007.*

19 **SEC. 293. CONTINUATION OF STATE ACTIVITIES AND POLI-**  
 20 **CIES.**

21       **(a) IN GENERAL.**—*Notwithstanding any other provi-*  
 22 *sion of this title, or subtitle A of title I, the Secretary may*  
 23 *not deny approval of a State plan for a covered State, or*  
 24 *an application of a covered State for financial assistance,*  
 25 *under this title or subtitle A of title I, or find a covered*

1 *State (including a State board or Governor), or a local area*  
2 *(including a local board or chief elected official) in a cov-*  
3 *ered State, in violation of a provision of this title or subtitle*  
4 *A of title I, on the basis that—*

5           (1)(A) *the State proposes to allocate or disburse,*  
6           *allocates, or disburses, within the State, funds made*  
7           *available to the State under section 227 or 232 in ac-*  
8           *cordance with the allocation formula for the type of*  
9           *activities involved, or in accordance with a disbursal*  
10          *procedure or process, used by the State under prior*  
11          *consistent State laws; or*

12           (B) *a local board in the State proposes to dis-*  
13          *burse, or disburses, within the local area, funds made*  
14          *available to the State under section 227 or 232 in ac-*  
15          *cordance with a disbursal procedure or process used*  
16          *by a private industry council under prior consistent*  
17          *State law;*

18           (2) *the State proposes to carry out or carries out*  
19          *a State procedure through which local areas use, as*  
20          *fiscal agents for funds made available to the State*  
21          *under section 227 or 232 and allocated within the*  
22          *State, fiscal agents selected in accordance with a*  
23          *process established under prior consistent State laws;*

24           (3) *the State proposes to carry out or carries out*  
25          *a State procedure through which the local boards in*

1     *the State (or the local boards, the chief elected officials*  
2     *in the State, and the Governor) designate or select the*  
3     *one-stop partners and one-stop operators of the state-*  
4     *wide system in the State under prior consistent State*  
5     *laws, in lieu of making the designation or certifi-*  
6     *cation described in section 221 (regardless of the date*  
7     *the one-stop delivery systems involved have been estab-*  
8     *lished);*

9             *(4) the State proposes to carry out or carries out*  
10     *a State procedure through which the persons respon-*  
11     *sible for selecting eligible providers for purposes of*  
12     *subtitle B are permitted to determine that a provider*  
13     *shall not be selected to provide both intake services*  
14     *under section 234(c)(2) and training services under*  
15     *section 234(c)(4), under prior consistent State laws;*

16             *(5) the State proposes to designate or designates*  
17     *a State board, or proposes to assign or assigns func-*  
18     *tions and roles of the State board (including deter-*  
19     *mining the time periods for development and submis-*  
20     *sion of a State plan required under section 112 or*  
21     *113), for purposes of subtitle A of title I in accord-*  
22     *ance with prior consistent State laws; or*

23             *(6) a local board in the State proposes to use or*  
24     *carry out, uses, or carries out a local plan (including*  
25     *assigning functions and roles of the local board) for*

1 *purposes of subtitle A of title I in accordance with the*  
 2 *authorities and requirements applicable to local plans*  
 3 *and private industry councils under prior consistent*  
 4 *State laws.*

5 *(b) DEFINITION.—In this section:*

6 *(1) COVERED STATE.—The term “covered State”*  
 7 *means a State that enacted State laws described in*  
 8 *paragraph (2).*

9 *(2) PRIOR CONSISTENT STATE LAWS.—The term*  
 10 *“prior consistent State laws” means State laws, not*  
 11 *inconsistent with the Job Training Partnership Act*  
 12 *or any other applicable Federal law, that took effect*  
 13 *on September 1, 1993, September 1, 1995, and Sep-*  
 14 *tember 1, 1997.*

15 **SEC. 294. GENERAL PROGRAM REQUIREMENTS.**

16 *Except as otherwise provided in this title or title I,*  
 17 *the following conditions apply to all programs under this*  
 18 *title or title I, as applicable:*

19 *(1) Each program under this title or title I shall*  
 20 *provide employment and training opportunities to*  
 21 *those who can benefit from, and who are most in need*  
 22 *of, such opportunities. In addition, the recipients of*  
 23 *Federal funding for programs under this title or title*  
 24 *I shall make efforts to develop programs that con-*  
 25 *tribute to occupational development, upward mobil-*



1        *ity, development of new careers, and opportunities for*  
2        *nontraditional employment.*

3            (2) *Funds provided under this title shall only be*  
4        *used for activities that are in addition to activities*  
5        *that would otherwise be available in the local area in*  
6        *the absence of such funds.*

7            (3)(A) *Any local area may enter into an agree-*  
8        *ment with another local area (including a local area*  
9        *that is a city or county within the same labor mar-*  
10       *ket) to pay or share the cost of educating, training,*  
11       *or placing individuals participating in programs as-*  
12       *sisted under this title, including the provision of sup-*  
13       *portive services.*

14           (B) *Such agreement shall be approved by each*  
15       *local board for a local area entering into the agree-*  
16       *ment and shall be described in the local plan under*  
17       *section 118.*

18           (4) *On-the-job training contracts under this title*  
19       *or subtitle C of title I, shall not be entered into with*  
20       *employers who have received payments under previous*  
21       *contracts under this Act or the Workforce Investment*  
22       *Act of 1998 and have exhibited a pattern of failing*  
23       *to provide on-the-job training participants with con-*  
24       *tinued long-term employment as regular employees*  
25       *with wages and employment benefits (including*

1     *health benefits) and working conditions at the same*  
2     *level and to the same extent as other employees work-*  
3     *ing a similar length of time and doing the same type*  
4     *of work.*

5             *(5) No person or organization may charge an in-*  
6     *dividual a fee for the placement or referral of the in-*  
7     *dividual in or to a workforce investment activity*  
8     *under this title.*

9             *(6) The Secretary shall not provide financial as-*  
10    *stance for any program under this title or subtitle*  
11    *C of title I that involves political activities.*

12            *(7)(A) Income under any program administered*  
13    *by a public or private nonprofit entity may be re-*  
14    *tained by such entity only if such income is used to*  
15    *continue to carry out the program.*

16            *(B) Income subject to the requirements of sub-*  
17    *paragraph (A) shall include—*

18                *(i) receipts from goods or services (includ-*  
19     *ing conferences) provided as a result of activities*  
20     *funded under this title;*

21                *(ii) funds provided to a service provider*  
22     *under this title that are in excess of the costs as-*  
23     *sociated with the services provided; and*

24                *(iii) interest income earned on funds re-*  
25     *ceived under this title.*

1           (C) *For purposes of this paragraph, each entity*  
2           *receiving financial assistance under this title shall*  
3           *maintain records sufficient to determine the amount*  
4           *of such income received and the purposes for which*  
5           *such income is expended.*

6           (8)(A) *The Secretary shall notify the Governor*  
7           *and the appropriate local board and chief elected offi-*  
8           *cial of, and consult with the Governor and such board*  
9           *and official concerning, any activity to be funded by*  
10          *the Secretary under this title within the cor-*  
11          *responding State or local area.*

12          (B) *The Governor shall notify the appropriate*  
13          *local board and chief elected official of, and consult*  
14          *with such board and official concerning, any activity*  
15          *to be funded by the Governor under this title within*  
16          *the corresponding local area.*

17          (9)(A) *All education programs for youth sup-*  
18          *ported with funds provided under chapter 2 of subtitle*  
19          *B shall be consistent with applicable State and local*  
20          *educational standards.*

21          (B) *Standards and procedures with respect to*  
22          *awarding academic credit and certifying educational*  
23          *attainment in programs conducted under such chap-*  
24          *ter shall be consistent with the requirements of appli-*  
25          *cable State and local law, including regulation.*

1           (10) *No funds available under this title or title*  
2           *I may be used for public service employment except*  
3           *as specifically authorized under this title or title I.*

4           (11) *The Federal requirements governing the*  
5           *title, use, and disposition of real property, equipment,*  
6           *and supplies purchased with funds provided under*  
7           *this title or subtitle C of title I shall be the cor-*  
8           *responding Federal requirements generally applicable*  
9           *to such items purchased through Federal grants to*  
10          *States and local governments.*

11          (12) *Nothing in this title or subtitle C of title I*  
12          *shall be construed to provide an individual with an*  
13          *entitlement to a service under this title or subtitle C*  
14          *of title I.*

15          (13) *Services, facilities, or equipment funded*  
16          *under this title may be used, as appropriate, on a fee-*  
17          *for-service basis, by employers in a local area in*  
18          *order to provide employment and training activities*  
19          *to incumbent workers—*

20                 (A) *when such services, facilities, or equip-*  
21                 *ment are not in use for the provision of services*  
22                 *for eligible participants under this title;*

23                 (B) *if such use for incumbent workers would*  
24                 *not have an adverse affect on the provision of*

1           *services to eligible participants under this title;*  
2           *and*

3                   *(C) if the income derived from such fees is*  
4           *used to carry out the programs authorized under*  
5           *this title.*

6           *(14) Funds provided under this title shall not be*  
7           *used to establish or operate a stand-alone fee-for-serv-*  
8           *ice enterprise in a situation in which a private sector*  
9           *employment agency (as defined in section 701 of the*  
10          *Civil Rights Act of 1964 (42 U.S.C. 2000e)) is pro-*  
11          *viding full access to similar or related services in such*  
12          *a manner as to fully meet the identified need. For*  
13          *purposes of this paragraph, such an enterprise does*  
14          *not include a one-stop delivery system described in*  
15          *section 221(e).*

16                  *(15)(A) None of the funds available under this*  
17          *title shall be used by a recipient or subrecipient of*  
18          *such funds to pay the salary and bonuses of an indi-*  
19          *vidual, either as direct costs or indirect costs, at a*  
20          *rate in excess of the annual rate of basic pay pre-*  
21          *scribed for level II of the Executive Schedule under*  
22          *section 5313 of title 5, United States Code.*

23                  *(B) The limitation described in subparagraph*  
24          *(A) shall not apply to vendors providing goods and*  
25          *services as defined in Office of Management and*

1       *Budget Circular A-133. In a case in which a State*  
 2       *is a recipient of such funds, the State may establish*  
 3       *a lower limit than is provided in subparagraph (A)*  
 4       *for salaries and bonuses of those receiving salaries*  
 5       *and bonuses from a subrecipient of such funds, taking*  
 6       *into account factors including the relative cost of liv-*  
 7       *ing in the State, the compensation levels for com-*  
 8       *parable State or local government employees, and the*  
 9       *size of the organizations that administer the Federal*  
 10       *programs involved.*

### 11       ***TITLE III—ADULT EDUCATION*** 12       ***AND LITERACY***

#### 13       ***SEC. 301. SHORT TITLE.***

14       *This title may be cited as the “Adult Education and*  
 15       *Family Literacy Act”.*

#### 16       ***SEC. 302. PURPOSE.***

17       *It is the purpose of this title to create a partnership*  
 18       *among the Federal Government, States, and localities to*  
 19       *provide, on a voluntary basis, adult education and literacy*  
 20       *activities, in order to—*

21               *(1) assist adults to become literate and obtain*  
 22               *the knowledge and skills necessary for employment*  
 23               *and economic self-sufficiency;*

24               *(2) assist adults who are parents or family mem-*  
 25               *bers to obtain the education and skills that—*

1                   (A) are necessary to becoming full partners  
 2                   in the educational development of their children;  
 3                   and

4                   (B) lead to sustainable improvements in the  
 5                   economic opportunities for their family;

6                   (3) assist adults in attaining a secondary school  
 7                   diploma and in the transition to postsecondary edu-  
 8                   cation and training, through career pathways; and

9                   (4) assist immigrants and other individuals who  
 10                  are English language learners in—

11                  (A) improving their—

12                   (i) reading, writing, speaking, and  
 13                   comprehension skills in English; and

14                   (ii) mathematics skills; and

15                  (B) acquiring an understanding of the  
 16                  American system of Government, individual free-  
 17                  dom, and the responsibilities of citizenship.

18 **SEC. 303. DEFINITIONS.**

19                  In this title:

20                  (1) *ADULT EDUCATION*.—The term “adult edu-  
 21                  cation” means academic instruction and education  
 22                  services below the postsecondary level that increase an  
 23                  individual’s ability to—

24                   (A) read, write, and speak in English and  
 25                   perform mathematics or other activities nec-

1           *essary for the attainment of a secondary school*  
 2           *diploma or its recognized equivalent;*

3                   *(B) transition to postsecondary education*  
 4           *and training; and*

5                   *(C) obtain employment.*

6           (2) *ADULT EDUCATION AND LITERACY ACTIVITIES.*—*The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.*

15           (3) *ELIGIBLE AGENCY.*—*The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy activities in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.*

22           (4) *ELIGIBLE INDIVIDUAL.*—*The term “eligible individual” means an individual—*

24                   *(A) who has attained 16 years of age;*



1           (B) *who is not enrolled or required to be en-*  
 2           *rolled in secondary school under State law; and*

3           (C) *who—*

4                 (i) *is basic skills deficient, as defined*  
 5                 *in section 101;*

6                 (ii) *does not have a secondary school*  
 7                 *diploma or its recognized equivalent, and*  
 8                 *has not achieved an equivalent level of edu-*  
 9                 *cation; or*

10                (iii) *is an English language learner.*

11           (5) *ELIGIBLE PROVIDER.—The term “eligible*  
 12           *provider” means an organization that has dem-*  
 13           *onstrated effectiveness in providing adult education*  
 14           *and literacy activities that may include —*

15                 (A) *a local educational agency;*

16                 (B) *a community-based organization;*

17                 (C) *a volunteer literacy organization;*

18                 (D) *an institution of higher education;*

19                 (E) *a public or private nonprofit agency;*

20                 (F) *a library;*

21                 (G) *a public housing authority;*

22                 (H) *a nonprofit institution that is not de-*  
 23                 *scribed in any of subparagraphs (A) through (G)*  
 24                 *and has the ability to provide adult education*  
 25                 *and literacy activities to eligible individuals;*

1           (I) a consortium or coalition of the agen-  
 2           cies, organizations, institutions, libraries, or au-  
 3           thorities described in any of subparagraphs (A)  
 4           through (H); and

5           (J) a partnership between an employer and  
 6           an entity described in any of subparagraphs (A)  
 7           through (I).

8           (6) *ENGLISH LANGUAGE ACQUISITION PRO-*  
 9           *GRAM.*—The term “English language acquisition pro-  
 10          gram” means a program of instruction—

11           (A) designed to help eligible individuals  
 12           who are English language learners achieve com-  
 13           petence in reading, writing, speaking, and com-  
 14           prehension of the English language; and

15           (B) that leads to—

16           (i)(I) attainment of a secondary school  
 17           diploma or its recognized equivalent; and

18           (II) transition to postsecondary edu-  
 19           cation and training; or

20           (ii) employment.

21           (7) *ENGLISH LANGUAGE LEARNER.*—The term  
 22           “English language learner” when used with respect to  
 23           an eligible individual, means an eligible individual  
 24           who has limited ability in reading, writing, speaking,  
 25           or comprehending the English language, and—

1           (A) *whose native language is a language*  
 2           *other than English; or*

3           (B) *who lives in a family or community en-*  
 4           *vironment where a language other than English*  
 5           *is the dominant language.*

6           (8) *ESSENTIAL COMPONENTS OF READING IN-*  
 7           *STRUCTION.—The term “essential components of read-*  
 8           *ing instruction” has the meaning given the term in*  
 9           *section 1208 of the Elementary and Secondary Edu-*  
 10          *cation Act of 1965 (20 U.S.C. 6368).*

11          (9) *FAMILY LITERACY ACTIVITIES.—The term*  
 12          *“family literacy activities” means activities that are*  
 13          *of sufficient intensity and quality, to make sustain-*  
 14          *able improvements in the economic prospects for a*  
 15          *family and that better enable parents or family mem-*  
 16          *bers to support their children’s learning needs, and*  
 17          *that integrate all of the following activities:*

18               (A) *Parent or family adult education and*  
 19               *literacy activities that lead to readiness for post-*  
 20               *secondary education or training, career advance-*  
 21               *ment, and economic self-sufficiency.*

22               (B) *Interactive literacy activities between*  
 23               *parents or family members and their children.*

24               (C) *Training for parents or family members*  
 25               *regarding how to be the primary teacher for*

1           *their children and full partners in the education*  
 2           *of their children.*

3           *(D) An age-appropriate education to pre-*  
 4           *pare children for success in school and life expe-*  
 5           *riences.*

6           *(10) INSTITUTION OF HIGHER EDUCATION.—The*  
 7           *term “institution of higher education” has the mean-*  
 8           *ing given the term in section 101 of the Higher Edu-*  
 9           *cation Act of 1965 (20 U.S.C. 1001).*

10          *(11) INTEGRATED EDUCATION AND TRAINING.—*  
 11          *The term “integrated education and training” means*  
 12          *a service approach that provides adult education and*  
 13          *literacy activities concurrently and contextually with*  
 14          *workforce preparation activities and workforce train-*  
 15          *ing for a specific occupation or occupational cluster*  
 16          *for the purpose of educational and career advance-*  
 17          *ment.*

18          *(12) INTEGRATED ENGLISH LITERACY AND*  
 19          *CIVICS EDUCATION.—The term “integrated English*  
 20          *literacy and civics education” means education serv-*  
 21          *ices provided to English language learners who are*  
 22          *adults, including professionals with degrees and cre-*  
 23          *dentials in their native countries, that enables such*  
 24          *adults to achieve competency in the English language*  
 25          *and acquire the basic and more advanced skills need-*

1 *ed to function effectively as parents, workers, and*  
 2 *citizens in the United States. Such services shall in-*  
 3 *clude instruction in literacy and English language*  
 4 *acquisition and instruction on the rights and respon-*  
 5 *sibilities of citizenship and civic participation, and*  
 6 *may include workforce training.*

7 (13) *LITERACY.*—*The term “literacy” means an*  
 8 *individual’s ability to read, write, and speak in*  
 9 *English, compute, and solve problems, at levels of pro-*  
 10 *ficiency necessary to function on the job, in the fam-*  
 11 *ily of the individual, and in society.*

12 (14) *POSTSECONDARY EDUCATIONAL INSTITU-*  
 13 *TION.*—*The term “postsecondary educational institu-*  
 14 *tion” means—*

15 (A) *an institution of higher education that*  
 16 *provides not less than a 2-year program of in-*  
 17 *struction that is acceptable for credit toward a*  
 18 *bachelor’s degree;*

19 (B) *a tribally controlled community college;*  
 20 *or*

21 (C) *a nonprofit educational institution of-*  
 22 *fering certificate or apprenticeship programs at*  
 23 *the postsecondary level.*

24 (15) *SECRETARY.*—*The term “Secretary” means*  
 25 *the Secretary of Education.*

1           (16) *WORKPLACE ADULT EDUCATION AND LIT-*  
2           *ERACY ACTIVITIES.*—*The term “workplace adult edu-*  
3           *cation and literacy activities” means adult education*  
4           *and literacy activities offered by an eligible provider*  
5           *in collaboration with an employer or employee orga-*  
6           *nization at a workplace or an off-site location that is*  
7           *designed to improve the productivity of the workforce.*

8           (17) *WORKFORCE PREPARATION ACTIVITIES.*—  
9           *The term “workforce preparation activities” means*  
10          *activities, programs, or services designed to help an*  
11          *individual acquire a combination of basic academic*  
12          *skills, critical thinking skills, digital literacy skills,*  
13          *and self-management skills, including competencies in*  
14          *utilizing resources, using information, working with*  
15          *others, understanding systems, and skills necessary*  
16          *for successful transition into and completion of post-*  
17          *secondary education or training, or employment.*

18 **SEC. 304. HOME SCHOOLS.**

19          *Nothing in this title shall be construed to affect home*  
20          *schools, whether a home school is treated as a home school*  
21          *or a private school under State law, or to compel a parent*  
22          *or family member engaged in home schooling to participate*  
23          *in adult education and literacy activities.*

1 **SEC. 305. RULE OF CONSTRUCTION REGARDING POSTSEC-**  
 2 **ONDARY TRANSITION AND CONCURRENT EN-**  
 3 **ROLLMENT ACTIVITIES.**

4 *Nothing in this title shall be construed to prohibit or*  
 5 *discourage the use of funds provided under this title for*  
 6 *adult education and literacy activities that help eligible in-*  
 7 *dividuals transition to postsecondary education and train-*  
 8 *ing or employment, or for concurrent enrollment activities.*

9 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated to carry out*  
 11 *this title such sums as may be necessary for each of the*  
 12 *fiscal years 2014 through 2018.*

13 ***Subtitle A—Federal Provisions***

14 **SEC. 311. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**  
 15 **AGENCIES; ALLOTMENTS.**

16 *(a) RESERVATION OF FUNDS.—From the sum appro-*  
 17 *priated under section 306 for a fiscal year, the Secretary—*

18 *(1) shall reserve 2 percent to carry out section*  
 19 *342 and subsection (g), except that the amount so re-*  
 20 *served shall not exceed \$15,000,000; and*

21 *(2) shall reserve 12 percent of the amount that*  
 22 *remains after reserving funds under paragraph (1) to*  
 23 *carry out section 343.*

24 *(b) GRANTS TO ELIGIBLE AGENCIES.—*

25 *(1) IN GENERAL.—From the sum appropriated*  
 26 *under section 306 and not reserved under subsection*

1       (a) for a fiscal year, the Secretary shall award a  
 2       grant to each eligible agency having a unified State  
 3       plan approved under section 112 or a combined State  
 4       plan approved under section 113 in an amount equal  
 5       to the sum of the initial allotment under subsection  
 6       (c)(1) and the additional allotment under subsection  
 7       (c)(2) for the eligible agency for the fiscal year, sub-  
 8       ject to subsections (f) and (h), to enable the eligible  
 9       agency to carry out the activities assisted under this  
 10      title.

11           (2) *PURPOSE OF GRANTS.*—The Secretary may  
 12      award a grant under paragraph (1) only if the eligi-  
 13      ble entity involved agrees to expend the grant for  
 14      adult education and literacy activities in accordance  
 15      with the provisions of this title.

16      (c) *ALLOTMENTS.*—

17           (1) *INITIAL ALLOTMENTS.*—From the sum ap-  
 18      propriated under section 306 and not reserved under  
 19      subsection (a) for a fiscal year, the Secretary shall  
 20      allot to each eligible agency having a unified State  
 21      plan approved under section 112 or a combined State  
 22      plan approved under section 113—

23           (A) \$100,000, in the case of an eligible  
 24      agency serving an outlying area, except as pro-  
 25      vided in subsection (e); and



1                   (B) \$250,000, in the case of any other eligi-  
2                   ble agency.

3                   (2) *ADDITIONAL ALLOTMENTS.*—From the sum  
4                   appropriated under section 306, not reserved under  
5                   subsection (a), and not allotted under paragraph (1),  
6                   for a fiscal year, the Secretary shall allot to each eli-  
7                   gible agency that receives an initial allotment under  
8                   paragraph (1) an additional amount that bears the  
9                   same relationship to such sum as the number of  
10                  qualifying adults in the State or outlying area served  
11                  by the eligible agency bears to the number of such  
12                  adults in all States and outlying areas.

13               (d) *QUALIFYING ADULT.*—For the purpose of sub-  
14               section (c)(2), the term “qualifying adult” means an adult  
15               who—

16                   (1) is at least 16 years of age;

17                   (2) is beyond the age of compulsory school at-  
18                   tendance under the law of the State or outlying area;

19                   (3) does not have a secondary school diploma or  
20                   its recognized equivalent; and

21                   (4) is not enrolled in secondary school.

22               (e) *SPECIAL RULE FOR THE REPUBLIC OF PALAU.*—

23                   (1) *IN GENERAL.*—Notwithstanding subsection  
24                   (c)(1)(A), from the sum appropriated under section  
25                   306 and not reserved under subsection (a) for a fiscal

1     *year, the Secretary shall allot to the Republic of*  
 2     *Palau, except during the period described in section*  
 3     *101(45), an amount based on the recommendations of*  
 4     *the Pacific Region Educational Laboratory under*  
 5     *paragraph (2).*

6           (2) *AWARD BASIS TO PALAU.—For each fiscal*  
 7     *year, the Pacific Region Educational Laboratory in*  
 8     *Honolulu, Hawaii shall make recommendations to the*  
 9     *Secretary concerning a grant amount to the Republic*  
 10    *of Palau based on the number of qualifying adults (as*  
 11    *defined in subsection (d)) in the population of the Re-*  
 12    *public of Palau.*

13          (3) *ADMINISTRATIVE COSTS.—The Secretary*  
 14    *may provide not more than 5 percent of the funds*  
 15    *made available for grants under this subsection to*  
 16    *pay the administrative costs of the Pacific Region*  
 17    *Educational Laboratory regarding activities assisted*  
 18    *under this subsection.*

19    (f) *HOLD-HARMLESS PROVISIONS.—*

20          (1) *IN GENERAL.—Notwithstanding subsection*  
 21    *(c) and subject to paragraph (2), for fiscal year 2014*  
 22    *and each succeeding fiscal year, no eligible agency*  
 23    *shall receive an allotment under this section that is*  
 24    *less than 90 percent of the allotment the eligible agen-*

1        *cy received for the preceding fiscal year under this*  
2        *section.*

3            (2) *100 PERCENT ALLOTMENT.*—*Notwithstanding*  
4        *paragraphs (1) and (2) of subsection (e), for a fiscal*  
5        *year for which an eligible agency receives only an ini-*  
6        *tial allotment under subsection (c)(1) (and no addi-*  
7        *tional allotment under subsection (c)(2)) the eligible*  
8        *agency shall receive an allotment under this section*  
9        *that is equal to 100 percent of the initial allotment*  
10       *under subsection (c)(1).*

11           (3) *RATABLE REDUCTION.*—*If for any fiscal year*  
12        *the amount available for allotment under this title is*  
13        *insufficient to satisfy the provisions of paragraphs (1)*  
14        *and (2), the Secretary shall ratably reduce the pay-*  
15        *ments to all eligible agencies, as necessary.*

16        (g) *ADDITIONAL ASSISTANCE.*—

17           (1) *IN GENERAL.*—*From amounts reserved under*  
18        *subsection (a)(1), the Secretary shall make grants to*  
19        *eligible agencies described in paragraph (2) to enable*  
20        *such agencies to provide activities authorized under*  
21        *subtitle B.*

22           (2) *ELIGIBILITY.*—*An eligible agency is eligible*  
23        *to receive a grant under this subsection for a fiscal*  
24        *year if the amount of the allotment such agency re-*  
25        *ceives under this section for the fiscal year is less than*

1        *the amount such agency would have received for the*  
 2        *fiscal year if the allotment formula under this section*  
 3        *as in effect on September 30, 2003, were in effect for*  
 4        *such year.*

5            (3) *AMOUNT OF GRANT.*—*The amount of a grant*  
 6        *made to an eligible agency under this subsection for*  
 7        *a fiscal year shall be the difference between—*

8            (A) *the amount of the allotment such agency*  
 9            *would have received for the fiscal year if the al-*  
 10          *lotment formula under this section as in effect on*  
 11          *September 30, 2003, were in effect for such year;*  
 12          *and*

13          (B) *the amount of the allotment such agen-*  
 14          *cy receives under this section for the fiscal year.*

15          (h) *REALLOTMENT.*—*The portion of any eligible agen-*  
 16        *cy's allotment under this title for a fiscal year that the Sec-*  
 17        *retary determines will not be required for the period such*  
 18        *allotment is available for carrying out activities under this*  
 19        *title, shall be available for realLOTment from time to time,*  
 20        *on such dates during such period as the Secretary shall fix,*  
 21        *to other eligible agencies in proportion to the original allot-*  
 22        *ments to such agencies under this title for such year.*

23          (i) *STUDY AND REPORT.*—

24            (1) *STUDY.*—*The Comptroller General of the*  
 25        *United States shall conduct a study concerning the*

1     *formula described in this section and, in conducting*  
2     *the study, shall, at a minimum—*

3             *(A) examine whether the formula results in*  
4             *a distribution of funds that sufficiently serves the*  
5             *entire population of individuals eligible for adult*  
6             *education and literacy activities under this title;*

7             *(B) examine whether the data used to count*  
8             *qualified adults, for purposes of the formula, ac-*  
9             *curately measure the population of individuals*  
10            *eligible for the activities; and*

11            *(C) develop recommendations for improving*  
12            *the formula so that the formula results in a dis-*  
13            *tribution of funds that better serves that popu-*  
14            *lation and the data used to count qualified*  
15            *adults accurately measure that population.*

16            *(2) REPORT.—Not later than 3 years after the*  
17            *date of enactment of the Workforce Investment Act of*  
18            *2013, the Comptroller General shall submit to the*  
19            *Committee on Health, Education, Labor, and Pen-*  
20            *sions of the Senate and the Committee on Education*  
21            *and the Workforce of the House of Representatives a*  
22            *report containing the results of the study described in*  
23            *paragraph (1).*

1 **SEC. 312. PERFORMANCE ACCOUNTABILITY SYSTEM.**

2 *Programs and activities authorized in this title are*  
 3 *subject to the performance accountability provisions de-*  
 4 *scribed in section 131.*

5 ***Subtitle B—State Provisions***

6 **SEC. 321. STATE ADMINISTRATION.**

7 *Each eligible agency shall be responsible for the State*  
 8 *or outlying area administration of activities under this*  
 9 *title, including—*

10 *(1) the development, implementation, and moni-*  
 11 *toring of the relevant components of the unified State*  
 12 *plan in section 112 or the combined State plan in*  
 13 *section 113;*

14 *(2) consultation with other appropriate agencies,*  
 15 *groups, and individuals that are involved in, or in-*  
 16 *terested in, the development and implementation of*  
 17 *activities assisted under this title; and*

18 *(3) coordination and nonduplication with other*  
 19 *Federal and State education, training, corrections,*  
 20 *public housing, and social service programs.*

21 **SEC. 322. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**  
 22 **QUIREMENT.**

23 *(a) STATE DISTRIBUTION OF FUNDS.—Each eligible*  
 24 *agency receiving a grant under section 311(b) for a fiscal*  
 25 *year—*

1           (1) *shall use not less than 80 percent of the grant*  
2           *funds to award grants and contracts under section*  
3           *331 and to carry out section 325, of which not more*  
4           *than 25 percent of such amount shall be available to*  
5           *carry out section 325;*

6           (2) *shall use not more than 15 percent of the*  
7           *grant funds to carry out State leadership activities*  
8           *under section 323; and*

9           (3) *shall use not more than 5 percent of the*  
10          *grant funds, or \$85,000, whichever is greater, for the*  
11          *administrative expenses of the eligible agency.*

12          (b) *MATCHING REQUIREMENT.—*

13               (1) *IN GENERAL.—In order to receive a grant*  
14               *from the Secretary under section 311(b) each eligible*  
15               *agency shall provide, for the costs to be incurred by*  
16               *the eligible agency in carrying out the adult edu-*  
17               *cation and literacy activities for which the grant is*  
18               *awarded, a non-Federal contribution in an amount*  
19               *that is not less than—*

20                       (A) *in the case of an eligible agency serving*  
21                       *an outlying area, 12 percent of the total amount*  
22                       *of funds expended for adult education and lit-*  
23                       *eracy activities in the outlying area, except that*  
24                       *the Secretary may decrease the amount of funds*

1       *required under this subparagraph for an eligible*  
 2       *agency; and*

3               *(B) in the case of an eligible agency serving*  
 4       *a State, 25 percent of the total amount of funds*  
 5       *expended for adult education and literacy activi-*  
 6       *ties in the State.*

7       (2) *NON-FEDERAL CONTRIBUTION.*—*An eligible*  
 8       *agency's non-Federal contribution required under*  
 9       *paragraph (1) may be provided in cash or in kind,*  
 10       *fairly evaluated, and shall include only non-Federal*  
 11       *funds that are used for adult education and literacy*  
 12       *activities in a manner that is consistent with the pur-*  
 13       *pose of this title.*

14 **SEC. 323. STATE LEADERSHIP ACTIVITIES.**

15       (a) *ACTIVITIES.*—

16               (1) *REQUIRED.*—*Each eligible agency shall use*  
 17       *funds made available under section 322(a)(2) for the*  
 18       *following adult education and literacy activities to*  
 19       *develop or enhance the adult education system of the*  
 20       *State or outlying area:*

21               (A) *The alignment of adult education and*  
 22       *literacy activities with other core programs and*  
 23       *one-stop partners, including eligible providers, to*  
 24       *implement the strategy identified in the unified*  
 25       *State plan under section 112 or the combined*



1       *State plan under section 113, including the de-*  
2       *velopment of career pathways to provide access*  
3       *to employment and training services for individ-*  
4       *uals in adult education and literacy activities.*

5               *(B) The establishment or operation of high*  
6       *quality professional development programs to*  
7       *improve the instruction provided pursuant to*  
8       *local activities required under section 331(b), in-*  
9       *cluding instruction incorporating the essential*  
10       *components of reading instruction as such com-*  
11       *ponents relate to adults, instruction related to*  
12       *the specific needs of adult learners, instruction*  
13       *provided by volunteers or by personnel of a State*  
14       *or outlying area, and dissemination of informa-*  
15       *tion about models and promising practices re-*  
16       *lated to such programs.*

17               *(C) The provision of technical assistance to*  
18       *eligible providers of adult education and literacy*  
19       *activities receiving funds under this title, includ-*  
20       *ing—*

21                       *(i) the development and dissemination*  
22               *of instructional and programmatic prac-*  
23       *tices based on the most rigorous or scientif-*  
24       *ically valid research available and appro-*  
25       *priate, in reading, writing, speaking, math-*

1            *ematics, English language acquisition pro-*  
 2            *grams, distance education, and staff train-*  
 3            *ing;*

4            *(ii) the role of eligible providers as a*  
 5            *one-stop partner to provide access to em-*  
 6            *ployment, education, and training services;*  
 7            *and*

8            *(iii) assistance in the use of technology,*  
 9            *including for staff training, to eligible pro-*  
 10           *viders, especially the use of technology to*  
 11           *improve system efficiencies.*

12           *(D) The monitoring and evaluation of the*  
 13           *quality of, and the improvement in, adult edu-*  
 14           *cation and literacy activities and the dissemina-*  
 15           *tion of information about models and proven or*  
 16           *promising practices within the State.*

17           *(2) PERMISSIBLE ACTIVITIES.—Each eligible*  
 18           *agency may use funds made available under section*  
 19           *322(a)(2) for 1 or more of the following adult edu-*  
 20           *cation and literacy activities:*

21           *(A) The support of State or regional net-*  
 22           *works of literacy resource centers.*

23           *(B) The development and implementation of*  
 24           *technology applications, translation technology,*  
 25           *or distance education, including professional de-*

1        *velopment to support the use of instructional*  
2        *technology.*

3            *(C) Developing and disseminating cur-*  
4        *ricula, including curricula incorporating the es-*  
5        *sential components of reading instruction as*  
6        *such components relate to adults.*

7            *(D) The provision of technical assistance to*  
8        *eligible providers to support the purpose of this*  
9        *title.*

10           *(E) Developing content and models for inte-*  
11        *grated education and training and career path-*  
12        *ways, including the provision of technical assist-*  
13        *ance to eligible providers in the State admin-*  
14        *istering such programs.*

15           *(F) The provision of assistance to eligible*  
16        *providers in developing and implementing pro-*  
17        *grams that achieve the objectives of this title and*  
18        *in measuring the progress of those programs in*  
19        *achieving such objectives, including meeting the*  
20        *State adjusted levels of performance described in*  
21        *section 131(b)(3).*

22           *(G) The development and implementation of*  
23        *a system to assist in the transition from adult*  
24        *education to postsecondary education, including*

1        *linkages with postsecondary educational institu-*  
 2        *tions or institutions of higher education.*

3                *(H) Integration of literacy and English lan-*  
 4        *guage instruction with occupational skill train-*  
 5        *ing, including promoting linkages with employ-*  
 6        *ers.*

7                *(I) Activities to promote workplace adult*  
 8        *education and literacy activities.*

9                *(J) Activities to promote and complement*  
 10       *local outreach initiatives described in section*  
 11       *342(c)(3)(G).*

12               *(K) Identifying curriculum frameworks and*  
 13       *aligning rigorous content standards that—*

14               *(i) specify what adult learners should*  
 15       *know and be able to do in the areas of read-*  
 16       *ing and language arts, mathematics, and*  
 17       *English language acquisition; and*

18               *(ii) take into consideration the fol-*  
 19       *lowing:*

20               *(I) State adopted academic stand-*  
 21       *ards.*

22               *(II) The current adult skills and*  
 23       *literacy assessments used in the State*  
 24       *or outlying area.*

1                   (III) *The primary indicators of*  
 2                   *performance described in section 131.*

3                   (IV) *Standards and academic re-*  
 4                   *quirements for enrollment in non-*  
 5                   *remedial, for-credit courses in postsec-*  
 6                   *ondary educational institutions or in-*  
 7                   *stitutions of higher education sup-*  
 8                   *ported by the State or outlying area.*

9                   (V) *Where appropriate, the con-*  
 10                  *tent of occupational and industry skill*  
 11                  *standards widely used by business and*  
 12                  *industry in the State or outlying area.*

13               (L) *In cooperation with efforts funded*  
 14               *under section 342, development and piloting of—*

15               (i) *new and promising assessment tools*  
 16               *and strategies that—*

17               (I) *are based on scientifically*  
 18               *valid research, where available and ap-*  
 19               *propriate; and*

20               (II) *identify the needs and cap-*  
 21               *ture the gains of students at all levels,*  
 22               *with particular emphasis on—*

23               (aa) *students at the lowest*  
 24               *achievement level;*

1                                   (bb)    students   who   are  
2                                   English language learners; and

3                                   (cc) adults with learning dis-  
4                                   abilities;

5                                   (ii) options for improving teacher  
6                                   quality and retention; and

7                                   (iii) assistance in converting scientif-  
8                                   ically valid research into practice.

9                                   (M) The development and implementation  
10                                  of programs and services to meet the needs of  
11                                  adult learners with learning disabilities who are  
12                                  English language learners.

13                                  (N) Support for recruitment and outreach  
14                                  for instructors, students, and employers.

15                                  (O) Other activities of statewide signifi-  
16                                  cance that promote the purpose of this title.

17                                  (b) COLLABORATION.—In carrying out this section, el-  
18                                  igible agencies shall collaborate where possible, and avoid  
19                                  duplicating efforts, in order to maximize the impact of the  
20                                  activities described in subsection (a).

21                                  (c) STATE-IMPOSED REQUIREMENTS.—Whenever a  
22                                  State or outlying area implements any rule or policy relat-  
23                                  ing to the administration or operation of a program au-  
24                                  thorized under this title that has the effect of imposing a  
25                                  requirement that is not imposed under Federal law (includ-

1 *ing any rule or policy based on a State or outlying area*  
 2 *interpretation of a Federal statute, regulation, or guide-*  
 3 *line), the State or outlying area shall identify, to eligible*  
 4 *providers, the rule or policy as being imposed by the State*  
 5 *or outlying area.*

6 **SEC. 324. STATE PLAN.**

7 *Each State desiring to receive funds under this title*  
 8 *for any fiscal year shall submit and have approved by the*  
 9 *Secretary and the Secretary of Labor a unified State plan*  
 10 *in accordance with section 112 or a combined State plan*  
 11 *in accordance with section 113.*

12 **SEC. 325. PROGRAMS FOR CORRECTIONS EDUCATION AND**  
 13 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

14 *(a) PROGRAM AUTHORIZED.—From funds made avail-*  
 15 *able under section 322(a)(1) for a fiscal year, each eligible*  
 16 *agency shall carry out corrections education and education*  
 17 *for other institutionalized individuals.*

18 *(b) USES OF FUNDS.—The funds described in sub-*  
 19 *section (a) shall be used for the cost of educational programs*  
 20 *for criminal offenders in correctional institutions and for*  
 21 *other institutionalized individuals, including academic*  
 22 *programs for—*

23 *(1) adult education and literacy activities;*

24 *(2) special education, as determined by the eligi-*  
 25 *ble agency;*

- 1           (3) *secondary school credit;*
- 2           (4) *integrated education and training;*
- 3           (5) *career pathways;*
- 4           (6) *concurrent enrollment;*
- 5           (7) *peer tutoring; and*
- 6           (8) *transition to re-entry initiatives and other*
- 7           *postrelease services with the goal of reducing recidi-*
- 8           *vism.*

9           (c) *PRIORITY.*—*Each eligible agency that is using as-*  
 10 *sistance provided under this section to carry out a program*  
 11 *for criminal offenders within a correctional institution*  
 12 *shall give priority to serving individuals who are likely to*  
 13 *leave the correctional institution within 5 years of partici-*  
 14 *pation in the program.*

15          (d) *REPORT.*—*In addition to any report required*  
 16 *under section 131, each eligible agency that receives assist-*  
 17 *ance provided under this section shall annually prepare*  
 18 *and submit to the Secretary a report on the progress, as*  
 19 *described in section 131, of the eligible agency with respect*  
 20 *to the programs and activities carried out under this sec-*  
 21 *tion, including the relative rate of recidivism for the crimi-*  
 22 *nal offenders served.*

23          (e) *DEFINITIONS.*—*In this section:*

24           (1) *CORRECTIONAL INSTITUTION.*—*The term*  
 25           *“correctional institution” means any—*



1 (A) prison;

2 (B) jail;

3 (C) reformatory;

4 (D) work farm;

5 (E) detention center; or

6 (F) halfway house, community-based reha-  
 7 bilitation center, or any other similar institution  
 8 designed for the confinement or rehabilitation of  
 9 criminal offenders.

10 (2) *CRIMINAL OFFENDER*.—The term “criminal  
 11 offender” means any individual who is charged with  
 12 or convicted of any criminal offense.

### 13 ***Subtitle C—Local Provisions***

#### 14 ***SEC. 331. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-*** 15 ***VIDERS.***

16 (a) *GRANTS AND CONTRACTS*.—From grant funds  
 17 made available under section 322(a)(1), each eligible agency  
 18 shall award multiyear grants or contracts, on a competitive  
 19 basis, to eligible providers within the State or outlying area  
 20 to enable the eligible providers to develop, implement, and  
 21 improve adult education and literacy activities within the  
 22 State.

23 (b) *REQUIRED LOCAL ACTIVITIES*.—The eligible agen-  
 24 cy shall require that each eligible provider receiving a grant  
 25 or contract under subsection (a) use the grant or contract

1 *to establish or operate programs that provide adult edu-*  
 2 *cation and literacy activities, including programs that pro-*  
 3 *vide such activities concurrently.*

4 *(c) DIRECT AND EQUITABLE ACCESS; SAME PROC-*  
 5 *ESS.—*

6 *(1) IN GENERAL.—Each eligible agency receiving*  
 7 *funds under this title shall ensure that—*

8 *(A) all eligible providers have direct and eq-*  
 9 *uitable access to apply and compete for grants or*  
 10 *contracts under this section; and*

11 *(B) the same grant or contract announce-*  
 12 *ment process and application process is used for*  
 13 *all eligible providers in the State or outlying*  
 14 *area.*

15 *(2) GAO STUDY.—Not later than the second pro-*  
 16 *gram year following the date of enactment of the*  
 17 *Workforce Investment Act of 2013, the Comptroller*  
 18 *General shall conduct a study to determine how the*  
 19 *provisions of paragraph (1) have been implemented*  
 20 *and whether such provisions accomplished the pur-*  
 21 *poses of such paragraph.*

22 *(d) SPECIAL RULE.—Each eligible agency awarding*  
 23 *a grant or contract under this section shall not use any*  
 24 *funds made available under this title for adult education*  
 25 *and literacy activities for the purpose of supporting or pro-*

1 *viding programs, services, or activities for individuals who*  
 2 *are not individuals described in subparagraphs (A) and (B)*  
 3 *of section 303(4), except that such agency may use such*  
 4 *funds for such purpose if such programs, services, or activi-*  
 5 *ties are related to family literacy activities. In providing*  
 6 *family literacy activities under this title, an eligible pro-*  
 7 *vider shall attempt to coordinate with programs and serv-*  
 8 *ices that are not assisted under this title prior to using*  
 9 *funds for adult education and literacy activities under this*  
 10 *title for activities other than activities for eligible individ-*  
 11 *uals.*

12 *(e) CONSIDERATIONS.—In awarding grants or con-*  
 13 *tracts under this section, the eligible agency shall con-*  
 14 *sider—*

15 *(1) the degree to which the eligible provider*  
 16 *would be responsive to—*

17 *(A) regional needs as identified in the local*  
 18 *plan under section 118; and*

19 *(B) serving individuals in the community*  
 20 *who were identified in such plan as most in need*  
 21 *of adult education and literacy activities, includ-*  
 22 *ing individuals—*

23 *(i) who have low levels of literacy*  
 24 *skills;*

25 *(ii) who have learning disabilities; or*

1                   (iii) *who are English language learn-*  
 2                   *ers;*

3               (2) *capacity, including past effectiveness in im-*  
 4               *proving the literacy of eligible individuals of the eligi-*  
 5               *ble provider, to meet State-adjusted levels of perform-*  
 6               *ance for the primary indicators of performance de-*  
 7               *scribed in section 131 for eligible individuals, espe-*  
 8               *cially with respect to eligible individuals who have*  
 9               *low levels of literacy;*

10           (3) *the extent to which the eligible provider dem-*  
 11           *onstrates alignment between proposed activities and*  
 12           *services and the strategy and goals of the local plan*  
 13           *under section 118, as well as the activities and serv-*  
 14           *ices of the one-stop partners;*

15           (4) *whether the eligible provider's program—*

16               (A) *is of sufficient intensity and quality,*  
 17               *and based on the most rigorous research avail-*  
 18               *able so that participants achieve substantial*  
 19               *learning gains; and*

20               (B) *uses instructional practices that include*  
 21               *the essential components of reading instruction;*

22           (5) *whether the eligible provider's activities are*  
 23           *built on a strong foundation of the most rigorous re-*  
 24           *search available, including scientifically valid re-*  
 25           *search, and effective educational practice;*

1           (6) *whether the eligible provider's activities effec-*  
2           *tively employ advances in technology and delivery*  
3           *systems, including distance education;*

4           (7) *whether the eligible provider's activities pro-*  
5           *vide learning in context, including through integrated*  
6           *education and training, so that an individual ac-*  
7           *quires the skills needed to transition to and complete*  
8           *postsecondary education and training programs, ob-*  
9           *tain and advance in employment leading to economic*  
10          *self-sufficiency, and to exercise the rights and respon-*  
11          *sibilities of citizenship;*

12          (8) *whether the eligible provider's activities are*  
13          *delivered by well-trained instructors, counselors, and*  
14          *administrators who meet any minimum qualifica-*  
15          *tions established by the State, where applicable, and*  
16          *who have access to high quality professional develop-*  
17          *ment, including through electronic means;*

18          (9) *whether the eligible provider's activities co-*  
19          *ordinate with other available education, training, and*  
20          *social service resources in the community, such as by*  
21          *establishing strong links with elementary schools and*  
22          *secondary schools, postsecondary educational institu-*  
23          *tions, institutions of higher education, local workforce*  
24          *investment boards, one-stop centers, job training pro-*  
25          *grams, and social service agencies, business, industry,*

1     *labor organizations, community-based organizations,*  
2     *nonprofit organizations, and intermediaries, for the*  
3     *development of career pathways;*

4             *(10) whether the eligible provider's activities*  
5     *offer flexible schedules and coordination with Federal,*  
6     *State, and local support services (such as child care,*  
7     *transportation, mental health services, and career*  
8     *planning) that are necessary to enable individuals,*  
9     *including individuals with disabilities or other spe-*  
10    *cial needs, to attend and complete programs;*

11            *(11) the capacity of the eligible provider to pro-*  
12    *vide integrated education and training;*

13            *(12) whether the eligible provider maintains a*  
14    *high-quality information management system that*  
15    *has the capacity to report measurable participant*  
16    *outcomes (consistent with section 131) and to monitor*  
17    *program performance;*

18            *(13) whether the local areas in which the eligible*  
19    *provider is located have a demonstrated need for ad-*  
20    *ditional English language acquisition programs and*  
21    *civics education programs;*

22            *(14) whether reading, writing, speaking, mathe-*  
23    *matics, and English language acquisition instruction*  
24    *delivered by the eligible provider is based on the best*  
25    *practices derived from the most rigorous research*

1        *available and appropriate, including scientifically*  
 2        *valid research that is available and appropriate;*

3            *(15) whether the eligible provider's applications*  
 4        *of technology and services to be provided are sufficient*  
 5        *to increase the amount and quality of learning and*  
 6        *how such technology and services lead to improved*  
 7        *performance; and*

8            *(16) the capacity of the eligible provider to serve*  
 9        *eligible individuals with disabilities, including indi-*  
 10       *viduals with learning disabilities.*

11    **SEC. 332. LOCAL APPLICATION.**

12        *Each eligible provider desiring a grant or contract*  
 13        *from an eligible agency shall submit an application to the*  
 14        *eligible agency containing such information and assurances*  
 15        *as the eligible agency may require, including—*

16            *(1) a description of how funds awarded under*  
 17        *this title will be spent consistent with the require-*  
 18        *ments of this title;*

19            *(2) a description of any cooperative arrange-*  
 20        *ments the eligible provider has with other agencies,*  
 21        *institutions, or organizations for the delivery of adult*  
 22        *education and literacy activities;*

23            *(3) a description of how the eligible provider will*  
 24        *provide services in alignment with the local plan*  
 25        *under section 118, including how such provider will*

1       *promote concurrent enrollment in programs and ac-*  
 2       *tivities under title II, as appropriate, to assist eligible*  
 3       *individuals in accessing education and job training*  
 4       *services;*

5               *(4) a description of how the eligible provider will*  
 6       *meet the State adjusted levels of performance de-*  
 7       *scribed in section 131(b)(3), including how such pro-*  
 8       *vider will collect data to report on such performance*  
 9       *indicators;*

10              *(5) a description of how the eligible provider will*  
 11       *fulfill one-stop partner responsibilities as described in*  
 12       *section 221(b)(1)(A), as appropriate;*

13              *(6) a description of how the eligible provider will*  
 14       *provide services in a manner that meets the needs of*  
 15       *eligible individuals; and*

16              *(7) information that addresses the considerations*  
 17       *described under section 331(e), as applicable.*

18   **SEC. 333. LOCAL ADMINISTRATIVE COST LIMITS.**

19       *(a) IN GENERAL.—Subject to subsection (b), of the*  
 20       *amount that is made available under this title to an eligible*  
 21       *provider—*

22              *(1) not less than 95 percent shall be expended for*  
 23       *carrying out adult education and literacy activities;*  
 24       *and*



1           (2) *the remaining amount, not to exceed 5 per-*  
 2           *cent, shall be used for planning, administration (in-*  
 3           *cluding carrying out the requirements of section 131),*  
 4           *professional development, and the activities described*  
 5           *in paragraphs (3) and (5) of section 332.*

6           (b) *SPECIAL RULE.—In cases where the cost limits de-*  
 7           *scribed in subsection (a) are too restrictive to allow for the*  
 8           *activities described in subsection (a)(2), the eligible pro-*  
 9           *vider shall negotiate with the eligible agency in order to*  
 10          *determine an adequate level of funds to be used for non-*  
 11          *instructional purposes.*

## 12           ***Subtitle D—General Provisions***

### 13          ***SEC. 341. ADMINISTRATIVE PROVISIONS.***

14          (a) *SUPPLEMENT NOT SUPPLANT.—Funds made*  
 15          *available for adult education and literacy activities under*  
 16          *this title shall supplement and not supplant other State or*  
 17          *local public funds expended for adult education and literacy*  
 18          *activities.*

19          (b) *MAINTENANCE OF EFFORT.—*

20               (1) *IN GENERAL.—*

21                   (A) *DETERMINATION.—An eligible agency*  
 22                   *may receive funds under this title for any fiscal*  
 23                   *year if the Secretary finds that the fiscal effort*  
 24                   *per student or the aggregate expenditures of such*  
 25                   *eligible agency for activities under this title, in*

1        *the second preceding fiscal year, were not less*  
 2        *than 90 percent of the fiscal effort per student or*  
 3        *the aggregate expenditures of such eligible agency*  
 4        *for adult education and literacy activities in the*  
 5        *third preceding fiscal year.*

6                (B) *PROPORTIONATE REDUCTION.*—Subject  
 7        *to paragraphs (2), (3), and (4), for any fiscal*  
 8        *year with respect to which the Secretary deter-*  
 9        *mines under subparagraph (A) that the fiscal ef-*  
 10       *fort or the aggregate expenditures of an eligible*  
 11       *agency for the preceding program year were less*  
 12       *than such effort or expenditures for the second*  
 13       *preceding program year, the Secretary—*

14                (i) *shall determine the percentage de-*  
 15        *creases in such effort or in such expendi-*  
 16        *tures; and*

17                (ii) *shall decrease the payment made*  
 18        *under this title for such program year to the*  
 19        *agency for adult education and literacy ac-*  
 20        *tivities by the lesser of such percentages.*

21                (2) *COMPUTATION.*—*In computing the fiscal ef-*  
 22        *fort and aggregate expenditures under paragraph (1),*  
 23        *the Secretary shall exclude capital expenditures and*  
 24        *special one-time project costs.*

1           (3) *DECREASE IN FEDERAL SUPPORT.*—If the  
 2           amount made available for adult education and lit-  
 3           eracy activities under this title for a fiscal year is less  
 4           than the amount made available for adult education  
 5           and literacy activities under this title for the pre-  
 6           ceding fiscal year, then the fiscal effort per student  
 7           and the aggregate expenditures of an eligible agency  
 8           required in order to avoid a reduction under para-  
 9           graph (1)(B) shall be decreased by the same percent-  
 10          age as the percentage decrease in the amount so made  
 11          available.

12          (4) *WAIVER.*—The Secretary may waive the re-  
 13          quirements of this subsection for not more than 1 fis-  
 14          cal year, if the Secretary determines that a waiver  
 15          would be equitable due to exceptional or uncontrol-  
 16          lable circumstances, such as a natural disaster or an  
 17          unforeseen and precipitous decline in the financial re-  
 18          sources of the State or outlying area of the eligible  
 19          agency. If the Secretary grants a waiver under the  
 20          preceding sentence for a fiscal year, the level of effort  
 21          required under paragraph (1) shall not be reduced in  
 22          the subsequent fiscal year because of the waiver.

23 **SEC. 342. NATIONAL LEADERSHIP ACTIVITIES.**

24          (a) *IN GENERAL.*—The Secretary shall establish and  
 25          carry out a program of national leadership activities to en-

1 *hance the quality and outcomes of adult education and lit-*  
 2 *eracy activities and programs nationwide.*

3 *(b) REQUIRED ACTIVITIES.—The national leadership*  
 4 *activities described in subsection (a) shall include technical*  
 5 *assistance, including—*

6 *(1) assistance to help States meet the require-*  
 7 *ments of section 131;*

8 *(2) upon request by a State, assistance provided*  
 9 *to eligible providers in using performance account-*  
 10 *ability measures based on indicators described in sec-*  
 11 *tion 131, and data systems for the improvement of*  
 12 *adult education and literacy activities; and*

13 *(3) carrying out rigorous research and evalua-*  
 14 *tion on effective adult education and literacy activi-*  
 15 *ties, as well as estimating the number of adults func-*  
 16 *tioning at the lowest levels of literacy proficiency,*  
 17 *which may be coordinated across relevant Federal*  
 18 *agencies.*

19 *(c) ALLOWABLE ACTIVITIES.—The national leadership*  
 20 *activities described in subsection (a) may include the fol-*  
 21 *lowing:*

22 *(1) Technical assistance, including—*

23 *(A) assistance related to professional devel-*  
 24 *opment activities, and assistance for the pur-*  
 25 *poses of developing, improving, identifying, and*

1        *disseminating the most successful methods and*  
 2        *techniques for providing adult education and lit-*  
 3        *eracy activities, based on scientifically valid re-*  
 4        *search where available;*

5                *(B) assistance in distance education and*  
 6        *promoting and improving the use of technology*  
 7        *in the classroom, including through the use of in-*  
 8        *structional models that blend in-person and on-*  
 9        *line instruction; and*

10               *(C) assistance in the development and dis-*  
 11        *semination of proven models for addressing the*  
 12        *digital literacy needs of adults, including older*  
 13        *adults.*

14               *(2) A program of grants, contracts, or coopera-*  
 15        *tive agreements awarded on a competitive basis to na-*  
 16        *tional, regional, or local networks of private nonprofit*  
 17        *organizations, public libraries, or institutions of high-*  
 18        *er education to build the capacity of such networks'*  
 19        *members to—*

20               *(A) meet the performance requirements, de-*  
 21        *scribed in section 131, of eligible providers under*  
 22        *this title; and*

23               *(B) involve eligible individuals in program*  
 24        *improvement.*

1           (3) *Funding national leadership activities that*  
2           *are not described in paragraph (1), either directly or*  
3           *through grants, contracts, or cooperative agreements*  
4           *awarded on a competitive basis to or with postsec-*  
5           *ondary educational institutions, institutions of higher*  
6           *education, public or private organizations or agen-*  
7           *cies, or consortia of such institutions, organizations,*  
8           *or agencies, such as—*

9                   (A) *developing, improving, and identifying*  
10                  *the most successful methods and techniques for*  
11                  *addressing the education needs of adults, includ-*  
12                  *ing instructional practices using the essential*  
13                  *components of reading instruction based on the*  
14                  *work of the National Institute of Child Health*  
15                  *and Human Development;*

16                  (B) *increasing the effectiveness of, and im-*  
17                  *proving the quality of, adult education and lit-*  
18                  *eracy activities;*

19                  (C) *carrying out rigorous research, includ-*  
20                  *ing scientifically valid research where appro-*  
21                  *priate, on national literacy basic skill acquisi-*  
22                  *tion for adult learning, including estimating the*  
23                  *number of adults functioning at the lowest levels*  
24                  *of literacy proficiency;*

1                    *(D)(i) carrying out demonstration pro-*  
 2                    *grams, which may include programs that—*

3                    *(I) accelerate learning outcomes for eli-*  
 4                    *gible individuals with the lowest literacy*  
 5                    *levels;*

6                    *(II) develop and promote career path-*  
 7                    *ways for eligible individuals;*

8                    *(III) promote concurrent enrollment*  
 9                    *programs in adult education and credit*  
 10                   *bearing postsecondary coursework; and*

11                   *(IV) develop high-quality professional*  
 12                   *development activities for eligible providers;*

13                   *(ii) disseminating best practices infor-*  
 14                   *mation, including information regarding*  
 15                   *promising practices resulting from federally*  
 16                   *funded demonstration programs; and*

17                   *(iii) developing and replicating best*  
 18                   *practices and innovative programs, such*  
 19                   *as—*

20                   *(I) programs for skill certifi-*  
 21                   *cation;*

22                   *(II) the identification of effective*  
 23                   *strategies for working with adults with*  
 24                   *learning disabilities and with adults*  
 25                   *who are English language learners;*

1                   (III) *integrated education and*  
 2                   *training programs;*

3                   (IV) *programs providing adult*  
 4                   *education and literacy activities co-*  
 5                   *ordinated with employment services;*  
 6                   *and*

7                   (V) *postsecondary education and*  
 8                   *training transition programs;*

9                   (E) *providing for the conduct of an inde-*  
 10                  *pendent evaluation and assessment of adult edu-*  
 11                  *cation and literacy activities through grants and*  
 12                  *contracts awarded on a competitive basis, which*  
 13                  *evaluation and assessment shall include descrip-*  
 14                  *tions of—*

15                  (i) *the effect of performance account-*  
 16                  *ability measures and other measures of ac-*  
 17                  *countability on the delivery of adult edu-*  
 18                  *cation and literacy activities;*

19                  (ii) *the extent to which the adult edu-*  
 20                  *cation and literacy activities increase the*  
 21                  *literacy skills of eligible individuals, lead to*  
 22                  *involvement in education and training, en-*  
 23                  *hance the employment and earnings of such*  
 24                  *participants, and, if applicable, lead to*  
 25                  *other positive outcomes, such as success in*



1            *re-entry and reductions in recidivism in the*  
2            *case of prison-based adult education and*  
3            *literacy activities;*

4            *(iii) the extent to which the provision*  
5            *of support services to eligible individuals*  
6            *enrolled in adult education and literacy ac-*  
7            *tivities increase the rate of enrollment in,*  
8            *and successful completion of, such pro-*  
9            *grams; and*

10           *(iv) the extent to which different types*  
11           *of providers measurably improve the skills*  
12           *of eligible individuals in adult education*  
13           *and literacy activities;*

14           *(F) carrying out rigorous research on the*  
15           *relationship between instructional quality, in-*  
16           *cluding education levels, certification status, and*  
17           *experience of instructors, and the performance*  
18           *outcomes of eligible providers consistent with sec-*  
19           *tion 131;*

20           *(G) supporting efforts aimed at capacity*  
21           *building of programs at the State and local levels*  
22           *such as technical assistance in program plan-*  
23           *ning, assessment, evaluation, and monitoring of*  
24           *activities carried out under this title;*

1           (H) collecting data, such as data regarding  
2           the improvement of both local and State data  
3           systems, through technical assistance and devel-  
4           opment of model performance data collection sys-  
5           tems;

6           (I) supporting the development of an entity  
7           that would produce and distribute technology-  
8           based programs and materials for adult edu-  
9           cation and literacy activities using an inter-  
10          connection system (as defined in section 397 of  
11          the Communications Act of 1934 (47 U.S.C.  
12          397)) and expand the effective outreach and use  
13          of such programs and materials to eligible pro-  
14          viders;

15          (J) determining how participation in adult  
16          education and literacy activities prepares eligible  
17          individuals for entry into postsecondary edu-  
18          cation and employment and, in the case of pro-  
19          grams carried out in correctional institutions,  
20          has an effect on recidivism; and

21          (K) other activities designed to enhance the  
22          quality of adult education and literacy activities  
23          nationwide.

1 **SEC. 343. INTEGRATED ENGLISH LITERACY AND CIVICS**  
 2 **EDUCATION.**

3 (a) *IN GENERAL.*—From funds made available under  
 4 section 311(a)(2) for each fiscal year, the Secretary shall  
 5 award grants to States, from allotments under subsection  
 6 (b), for integrated English literacy and civics education.

7 (b) *ALLOTMENT.*—

8 (1) *IN GENERAL.*—Subject to paragraph (2),  
 9 from amounts made available under section 311(a)(2)  
 10 for a fiscal year, the Secretary shall allocate—

11 (A) 65 percent to the States on the basis of  
 12 a State's need for integrated English literacy  
 13 and civics education, as determined by calcu-  
 14 lating each State's share of a 10-year average of  
 15 the data of the Office of Immigration Statistics  
 16 of the Department of Homeland Security for im-  
 17 migrants admitted for legal permanent residence  
 18 for the 10 most recent years; and

19 (B) 35 percent to the States on the basis of  
 20 whether the State experienced growth, as meas-  
 21 ured by the average of the 3 most recent years  
 22 for which the data of the Office of Immigration  
 23 Statistics of the Department of Homeland Secu-  
 24 rity for immigrants admitted for legal perma-  
 25 nent residence are available.

1           (2) *MINIMUM*.—No State shall receive an allot-  
 2           ment under paragraph (1) in an amount that is less  
 3           than \$60,000.

4       ***TITLE IV—AMENDMENTS TO THE***  
 5               ***WAGNER-PEYSER ACT***

6       ***SEC. 401. EMPLOYMENT SERVICE OFFICES.***

7           Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is  
 8       amended by inserting “service” before “offices”.

9       ***SEC. 402. DEFINITIONS.***

10          Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)  
 11       is amended—

12               (1) by striking paragraph (1) and inserting the  
 13       following:

14               “(1) the terms ‘chief elected official’, ‘institution  
 15       of higher education’, ‘one-stop center’, ‘one-stop part-  
 16       ner’, ‘training services’, ‘workforce development activ-  
 17       ity’, and ‘workplace learning advisor’, have the mean-  
 18       ing given the terms in section 101 of the Workforce  
 19       Investment Act of 2013;”;

20               (2) in paragraph (2)—

21                       (A) by striking “investment board” each  
 22       place it appears and inserting “development  
 23       board”; and

24                       (B) by striking “of 1998” and inserting “of  
 25       2013”;

1           (3) in paragraph (3)—

2                   (A) by striking “134(c)” and inserting  
3           “221(e)”; and

4                   (B) by striking “1998” and inserting  
5           “2013”; and

6           (4) in paragraph (4), by striking “and” at the  
7           end;

8           (5) in paragraph (5), by striking the period and  
9           inserting “; and”; and

10          (6) by adding at the end the following:

11                   “(6) the term ‘employment service office’ means  
12           a local office of a State agency; and

13                   “(7) except in section 15, the term ‘State agen-  
14           cy’, used without further description, means an agen-  
15           cy designated or authorized under section 4.”.

16   **SEC. 403. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**  
17                   **FICES.**

18          (a) *COORDINATION*.—Section 3(a) of the Wagner-  
19   Peyser Act (29 U.S.C. 49b(a)) is amended by striking “serv-  
20   ices” and inserting “service offices”.

21          (b) *PUBLIC LABOR EXCHANGE SERVICES SYSTEM*.—  
22   Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.  
23   49b(c)(2)) is amended by inserting “, and identify and dis-  
24   seminate information on best practices for such system” be-  
25   fore the semicolon.

1       (c) *ONE-STOP CENTERS*.—Section 3 of the Wagner-  
 2   Peyser Act (29 U.S.C. 49b) is amended by inserting after  
 3   subsection (c) the following:

4       “(d) In order to improve service delivery, avoid dupli-  
 5   cation of services, and enhance coordination of services, in-  
 6   cluding location of staff to ensure access to services under  
 7   section 7(a) statewide in underserved areas, employment  
 8   service offices in each State shall be colocated with one-stop  
 9   centers.

10       “(e) The Secretary, in consultation with States, is au-  
 11   thorized to assist the States in the development of national  
 12   electronic tools that may be used to improve access to work-  
 13   force information for individuals through—

14               “(1) the one-stop delivery systems established as  
 15       described in section 221(e) of the Workforce Invest-  
 16       ment Act of 2013; and

17               “(2) such other delivery systems as the Secretary  
 18       determines to be appropriate.”.

19   **SEC. 404. ALLOTMENT OF SUMS.**

20       Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)  
 21   is amended—

22               (1) in subsection (a), by striking “amounts ap-  
 23       propriated pursuant to section 5” and inserting  
 24       “funds appropriated and (except for Guam) certified

1        *under section 5 and made available for allotments*  
 2        *under this section”; and*

3            *(2) in subsection (b)(1)—*

4                    *(A) in the matter preceding subparagraph*  
 5            *(A)—*

6                            *(i) by inserting before “the Secretary”*  
 7                    *the following “after making the allotments*  
 8                    *required by subsection (a),”; and*

9                            *(ii) by striking “sums” and all that*  
 10                    *follows through “this Act” and inserting*  
 11                    *“funds described in subsection (a)”;*

12                            *(B) in each of subparagraphs (A) and (B),*  
 13                    *by striking “sums” and inserting “remainder”;*  
 14                    *and*

15                            *(C) by adding at the end the following:*  
 16                    *“For purposes of this paragraph, the term ‘State’*  
 17                    *does not include Guam or the Virgin Islands.”.*

18    **SEC. 405. USE OF SUMS.**

19            *(a) IMPROVED COORDINATION.—Section 7(a)(1) of the*  
 20    *Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended by in-*  
 21    *serting “, including unemployment insurance claimants,”*  
 22    *after “seekers”.*

23            *(b) RESOURCES FOR UNEMPLOYMENT INSURANCE*  
 24    *CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act (29*  
 25    *U.S.C. 49f(a)(3)) is amended—*

1           (1) *by striking “and” at the end of subpara-*  
 2           *graph (E);*

3           (2) *in subparagraph (F)—*

4                 (A) *by inserting “, including making eligi-*  
 5                 *bility assessments,” after “system”; and*

6                 (B) *by striking the period at the end and*  
 7                 *inserting “; and”; and*

8           (3) *by inserting after subparagraph (F) the fol-*  
 9           *lowing:*

10                   “(G) *providing unemployment insurance*  
 11                   *claimants with referrals to, and application as-*  
 12                   *sistance for, training and education resources*  
 13                   *and programs, including Federal Pell Grants*  
 14                   *under subpart 1 of part A of title IV of the*  
 15                   *Higher Education Act of 1965 (20 U.S.C. 1070a*  
 16                   *et seq.), educational assistance under chapter 30*  
 17                   *of title 38, United States Code (commonly re-*  
 18                   *ferred to as the Montgomery GI Bill), and chap-*  
 19                   *ter 33 of that title (Post-9/11 Veterans Edu-*  
 20                   *cational Assistance), student assistance under*  
 21                   *title IV of the Higher Education Act of 1965 (20*  
 22                   *U.S.C. 1070 et seq.), State student higher edu-*  
 23                   *cation assistance, and training and education*  
 24                   *programs provided under titles II and III of the*  
 25                   *Workforce Investment Act of 2013, and title I of*



1           *the Rehabilitation Act of 1973 (29 U.S.C. 720 et*  
 2           *seq.).”.*

3           (c) *STATE ACTIVITIES.*—Section 7(b) of the Wagner-  
 4 *Peyser Act (29 U.S.C. 49f(b)) is amended—*

5           (1) *in paragraph (1), by striking “performance*  
 6           *standards established by the Secretary” and inserting*  
 7           *“the performance accountability measures that are*  
 8           *based on indicators described in section*  
 9           *131(b)(2)(A)(i) of the Workforce Investment Act of*  
 10           *2013”; and*

11           (2) *in paragraph (2), by inserting “offices” after*  
 12           *“employment service”.*

13           (d) *PROVIDING ADDITIONAL FUNDS.*—Section 7(c)(2)  
 14 *of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2)) is amended*  
 15 *by striking “1998” and inserting “2013”.*

16           (e) *OTHER SERVICES AND ACTIVITIES.*—Section 7(d)  
 17 *of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is amended*  
 18 *by striking “1998” and inserting “2013”.*

19           (f) *CONFORMING AMENDMENT.*—Section 7(e) of the  
 20 *Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by strik-*  
 21 *ing “labor employment statistics” and inserting “workforce*  
 22 *and labor market information”.*

23 **SEC. 406. STATE PLAN.**

24           Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)  
 25 *is amended to read as follows:*

1       “*SEC. 8. Any State desiring to receive assistance under*  
 2 *section 6 shall prepare and submit to, and have approved*  
 3 *by, the Secretary and the Secretary of Education, a State*  
 4 *plan in accordance with section 112 or 113 of the Workforce*  
 5 *Investment Act of 2013.*”.

6   **SEC. 407. PERFORMANCE MEASURES.**

7       *Section 13(a) of the Wagner-Peyser Act (29 U.S.C.*  
 8 *49l(a)) is amended to read as follows:*

9       “(a) *The activities carried out pursuant to section 7*  
 10 *shall be subject to the performance accountability measures*  
 11 *that are based on indicators described in section*  
 12 *131(b)(2)(A)(i) of the Workforce Investment Act of 2013.*”.

13   **SEC. 408. PILOT PROJECTS.**

14       *The Wagner-Peyser Act is amended by inserting after*  
 15 *section 13 (29 U.S.C. 49l) the following:*

16   **“SEC. 13A. PILOT PROJECTS.**

17       “(a) *GRANTS.—From funds appropriated under sub-*  
 18 *section (f), the Secretary, in consultation with the Secretary*  
 19 *of Education, shall establish and carry out a pilot program.*  
 20 *In carrying out the program, the Secretary shall annually*  
 21 *make not more than 5 grants, on a competitive basis, to*  
 22 *State agencies to cooperate in the administration of this*  
 23 *Act by carrying out pilot projects that enhance the profes-*  
 24 *sional development and provision of services by the staff*  
 25 *of such State agencies.*

1       “(b) *USE OF FUNDS.—Funds made available under*  
2 *this section may be used to enable a State agency to—*

3               “(1) *make available a broad range of career*  
4 *guidance services, including career planning, aptitude*  
5 *and interest assessments, and provision of workforce*  
6 *and labor market information, and evaluate the out-*  
7 *comes for recipients of such services;*

8               “(2) *strengthen the capacity of the State agency*  
9 *to identify job openings through the use of technology,*  
10 *and through intensive outreach to small and medium*  
11 *size employers while using and enhancing the busi-*  
12 *ness and employer services authorized under this Act;*

13               “(3) *provide professional development and career*  
14 *advancement opportunities for staff of a State agency*  
15 *in order to upgrade their skills and competencies in*  
16 *the provision of career development activities, em-*  
17 *ployer outreach, and other services authorized under*  
18 *this Act, including upgrading those skills and com-*  
19 *petencies through the training of such staff to improve*  
20 *their knowledge of, and ability to effectively interact*  
21 *with, staff and programs of one-stop partners and*  
22 *other entities administering workforce development*  
23 *programs;*

24               “(4) *in cooperation with professional organiza-*  
25 *tions and institutions of higher education, dem-*

1        *onstrate the efficacy and value of professional*  
 2        *credentialing for counselors of the State agency to co-*  
 3        *operate in the administration of this Act;*

4                *“(5) identify and implement strategies for State*  
 5        *agency staff to provide technical assistance and train-*  
 6        *ing to assist other providers of workforce development*  
 7        *activities, including workplace learning advisors, in*  
 8        *providing counseling and employment-related services*  
 9        *to workers and job seekers, and employers; and*

10               *“(6) identify and implement new strategies for*  
 11        *integrating counseling and technology to enhance the*  
 12        *provision of employment-related services under this*  
 13        *Act.*

14               *“(c) APPLICATIONS.—A State agency that seeks a*  
 15        *grant under this section shall submit an application to the*  
 16        *Secretary at such time, in such manner, and containing*  
 17        *such information as the Secretary may require.*

18               *“(d) PRIORITY.—In awarding grants under this sec-*  
 19        *tion, the Secretary, in consultation with the Secretary of*  
 20        *Education, shall—*

21               *“(1) give priority to a State agency that—*

22                        *“(A) demonstrates participation by employ-*  
 23        *ees of the agency in the planning of the proposed*  
 24        *pilot project;*

1           “(B) demonstrates participation by the em-  
2           ployees, or provides an assurance that the em-  
3           ployees will participate, in the implementation  
4           of the pilot project; and

5           “(C) demonstrates that the State agency has  
6           established a partnership, or provides an assur-  
7           ance that the agency will establish a partnership,  
8           with a relevant professional organization, or  
9           with an institution of higher education; and

10          “(2) ensure geographic diversity and diversity  
11          with respect to the population density of the States in  
12          which projects under this section will be carried out.

13          “(e) *REPORTS.*—The Secretary shall annually prepare  
14          and submit to the Committee on Education and Labor of  
15          the House of Representatives and the Committee on Health,  
16          Education, Labor, and Pensions of the Senate, a report as-  
17          sessing the projects carried out under this section and con-  
18          taining such recommendations for improvements in the pro-  
19          vision of counseling and other employment-related services  
20          under this Act as the Secretary determines to be appro-  
21          priate.

22          “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
23          authorized to be appropriated to carry out this section such  
24          sums as may be necessary for each of fiscal years 2014  
25          through 2018.”.

1 **SEC. 409. WORKFORCE AND LABOR MARKET INFORMATION**  
 2 **SYSTEM.**

3 (a) *HEADING.*—The section heading for section 15 of  
 4 the Wagner-Peyser Act (29 U.S.C. 49l-2) is amended by  
 5 striking “**EMPLOYMENT STATISTICS**” and inserting  
 6 “**WORKFORCE AND LABOR MARKET INFORMATION**  
 7 **SYSTEM**”.

8 (b) *NAME OF SYSTEM.*—Section 15(a)(1) of the Wag-  
 9 ner-Peyser Act (29 U.S.C. 49l-2(a)(1)) is amended by strik-  
 10 ing “employment statistics system of employment statis-  
 11 tics” and inserting “workforce and labor market informa-  
 12 tion system”.

13 (c) *SYSTEM RESPONSIBILITIES.*—Section 15(b) of the  
 14 Wagner-Peyser Act (29 U.S.C. 49l-2(b)) is amended—

15 (1) by striking paragraph (1) and inserting the  
 16 following:

17 “(1) *IN GENERAL.*—

18 “(A) *STRUCTURE.*—The workforce and  
 19 labor market information system described in  
 20 subsection (a) shall be evaluated and improved  
 21 by the Secretary, in consultation with the Work-  
 22 force Information Advisory Council established  
 23 in subsection (d).

24 “(B) *GRANTS AND RESPONSIBILITIES.*—

25 “(i) *IN GENERAL.*—The Secretary shall  
 26 carry out the provisions of this section in a

1           *timely manner, through grants to or agree-*  
 2           *ments with States.*

3           “(ii) *DISTRIBUTION OF FUNDS.—Using*  
 4           *amounts appropriated under subsection (g),*  
 5           *the Secretary shall provide funds through*  
 6           *those grants and agreements. In distrib-*  
 7           *uting the funds (relating to workforce and*  
 8           *labor market information funding) for fiscal*  
 9           *years 2014 through 2018, the Secretary*  
 10           *shall continue to distribute the funds to*  
 11           *States in the manner in which the Sec-*  
 12           *retary distributed funds to the States under*  
 13           *this section for fiscal years 2004 through*  
 14           *2008.”; and*

15           (2) *by striking paragraph (2) and inserting the*  
 16           *following:*

17           “(2) *DUTIES.—The Secretary, with respect to*  
 18           *data collection, analysis, and dissemination of work-*  
 19           *force and labor market information for the system,*  
 20           *shall carry out the following duties:*

21           “(A) *Assign responsibilities within the De-*  
 22           *partment of Labor for elements of the workforce*  
 23           *and labor market information system described*  
 24           *in subsection (a) to ensure that the statistical*  
 25           *and administrative data collected is consistent*

1       *with appropriate Bureau of Labor Statistics*  
2       *standards and definitions, and that the informa-*  
3       *tion is accessible and understandable to users of*  
4       *such data.*

5               “(B) *Actively seek the cooperation of heads*  
6       *of other Federal agencies to establish and main-*  
7       *tain mechanisms for ensuring complementarity*  
8       *and nonduplication in the development and op-*  
9       *eration of statistical and administrative data*  
10       *collection activities.*

11              “(C) *Solicit, receive, and evaluate the rec-*  
12       *ommendations from the Workforce Information*  
13       *Advisory Council established in subsection (d)*  
14       *concerning the evaluation and improvement of*  
15       *the workforce and labor market information sys-*  
16       *tem described in subsection (a) and respond in*  
17       *writing to the Council regarding the rec-*  
18       *ommendations.*

19              “(D) *Eliminate gaps and duplication in*  
20       *statistical undertakings.*

21              “(E) *Through the Bureau of Labor Statis-*  
22       *tics and the Employment and Training Admin-*  
23       *istration, and in collaboration with States, de-*  
24       *velop and maintain the elements of the workforce*  
25       *and labor market information system described*



1           *in subsection (a), including the development of*  
 2           *consistent procedures and definitions for use by*  
 3           *the States in collecting the data and information*  
 4           *described in subparagraphs (A) and (B) of sub-*  
 5           *section (a)(1).*

6           “(F) *Establish procedures for the system to*  
 7           *ensure that—*

8                   “(i) *such data and information are*  
 9                   *timely; and*

10                   “(ii) *paperwork and reporting for the*  
 11                   *system are reduced to a minimum.”.*

12           (d) *TWO-YEAR PLAN.—Section 15 of the Wagner-*  
 13           *Peyser Act (29 U.S.C. 49l–2) is amended by striking sub-*  
 14           *section (c) and inserting the following:*

15           “(c) *TWO-YEAR PLAN.—The Secretary, acting through*  
 16           *the Commissioner of Labor Statistics and the Assistant Sec-*  
 17           *retary for Employment and Training, and in consultation*  
 18           *with the Workforce Information Advisory Council described*  
 19           *in subsection (d) and heads of other appropriate Federal*  
 20           *agencies, shall prepare a 2-year plan for the workforce and*  
 21           *labor market information system. The plan shall be devel-*  
 22           *oped and implemented in a manner that takes into account*  
 23           *the activities described in State plans submitted by States*  
 24           *under section 112 or 113 of the Workforce Investment Act*  
 25           *of 2013 and shall be submitted to the Committee on Edu-*

1 cation and the Workforce of the House of Representatives  
2 and the Committee on Health, Education, Labor, and Pen-  
3 sions of the Senate. The plan shall include—

4 “(1) a description of how the Secretary will work  
5 with the States to manage the nationwide workforce  
6 and labor market information system described in  
7 subsection (a) and the statewide workforce and labor  
8 market information systems that comprise the nation-  
9 wide system;

10 “(2) a description of the steps to be taken in the  
11 following 2 years to carry out the duties described in  
12 subsection (b)(2);

13 “(3) an evaluation of the performance of the sys-  
14 tem, with particular attention to the improvements  
15 needed at the State and local levels;

16 “(4) a description of the involvement of States in  
17 the development of the plan, through consultation by  
18 the Secretary with the Workforce Information Advi-  
19 sory Council in accordance with subsection (d); and

20 “(5) a description of the written recommenda-  
21 tions received from the Workforce Information Advi-  
22 sory Council established under subsection (d), and the  
23 extent to which those recommendations were incor-  
24 porated into the plan.”.

1        *(e) WORKFORCE INFORMATION ADVISORY COUNCIL.—*  
 2        *Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l-2) is*  
 3        *amended by striking subsection (d) and inserting the fol-*  
 4        *lowing:*

5        *“(d) WORKFORCE INFORMATION ADVISORY COUN-*  
 6        *CIL.—*

7                *“(1) IN GENERAL.—The Secretary, through the*  
 8        *Commissioner of Labor Statistics and the Assistant*  
 9        *Secretary for Employment and Training, shall for-*  
 10        *mally consult at least twice annually with the Work-*  
 11        *force Information Advisory Council established in ac-*  
 12        *cordance with paragraph (2). Such consultations*  
 13        *shall address the evaluation and improvement of the*  
 14        *nationwide workforce and labor market information*  
 15        *system described in subsection (a) and the statewide*  
 16        *workforce and labor market information systems that*  
 17        *comprise the nationwide system and how the Depart-*  
 18        *ment of Labor and the States will cooperate in the*  
 19        *management of such systems. The Council shall pro-*  
 20        *vide written recommendations to the Secretary con-*  
 21        *cerning the evaluation and improvement of the na-*  
 22        *tionwide system, including any recommendations re-*  
 23        *garding the 2-year plan described in subsection (c).*

24        *“(2) ESTABLISHMENT OF COUNCIL.—*

1           “(A) *ESTABLISHMENT.*—*The Secretary shall*  
2           *establish an advisory council that shall be known*  
3           *as the Workforce Information Advisory Council*  
4           *(referred to in this section as the ‘Council’) to*  
5           *participate in the consultations and provide the*  
6           *recommendations described in paragraph (1).*

7           “(B) *MEMBERSHIP.*—*The Secretary shall*  
8           *appoint the members of the Council, which shall*  
9           *consist of—*

10           “(i) *4 members who are representatives*  
11           *of lead State agencies with responsibility for*  
12           *workforce investment activities, or State*  
13           *agencies described in section 4, who have*  
14           *been nominated by such agencies or by a*  
15           *national organization that represents such*  
16           *agencies;*

17           “(ii) *4 members who are representa-*  
18           *tives of the State workforce and labor mar-*  
19           *ket information directors affiliated with the*  
20           *State agencies that perform the duties de-*  
21           *scribed in subsection (e)(2), who have been*  
22           *nominated by the directors;*

23           “(iii) *1 member who is a representa-*  
24           *tive of providers of training services under*

1 *section 222 of the Workforce Investment Act*  
 2 *of 2013;*

3 “(iv) 1 member who is a representative  
 4 *of economic development entities;*

5 “(v) 1 member who is a representative  
 6 *of businesses, who has been nominated by*  
 7 *national business organizations or trade as-*  
 8 *sociations;*

9 “(vi) 1 member who is a representative  
 10 *of labor organizations, who has been nomi-*  
 11 *nated by a national labor federation;*

12 “(vii) 1 member who is a representa-  
 13 *tive of local workforce development boards,*  
 14 *who has been nominated by a national or-*  
 15 *ganization representing such boards; and*

16 “(viii) 1 member who is a representa-  
 17 *tive of research entities that utilize work-*  
 18 *force and labor market information.*

19 “(C) *GEOGRAPHIC DIVERSITY.—The Sec-*  
 20 *retary shall ensure that the membership of the*  
 21 *Council is geographically diverse and that no 2*  
 22 *of the members appointed under clauses (i), (ii),*  
 23 *and (vii) represent the same State.*

24 “(D) *PERIOD OF APPOINTMENT; VACAN-*  
 25 *CIES.—*

1           “(i) *IN GENERAL.*—*Each member of*  
2           *the Council shall be appointed for a term of*  
3           *3 years, except that the initial terms for*  
4           *members may be 1, 2, or 3 years in order*  
5           *to establish a rotation in which one-third of*  
6           *the members are selected each year. Any*  
7           *such member may be appointed for not*  
8           *more than 2 consecutive terms.*

9           “(ii) *VACANCIES.*—*Any member ap-*  
10          *pointed to fill a vacancy occurring before*  
11          *the expiration of the term for which the*  
12          *member’s predecessor was appointed shall be*  
13          *appointed only for the remainder of that*  
14          *term. A member may serve after the expira-*  
15          *tion of that member’s term until a successor*  
16          *has taken office.*

17          “(E) *TRAVEL EXPENSES.*—*The members of*  
18          *the Council shall not receive compensation for*  
19          *the performance of services for the Council, but*  
20          *shall be allowed travel expenses, including per*  
21          *diem in lieu of subsistence, at rates authorized*  
22          *for employees of agencies under subchapter I of*  
23          *chapter 57 of title 5, United States Code, while*  
24          *away from their homes or regular places of busi-*  
25          *ness in the performance of services for the Coun-*

1           *cil. Notwithstanding section 1342 of title 31,*  
 2           *United States Code, the Secretary may accept*  
 3           *the voluntary and uncompensated services of*  
 4           *members of the Council.*

5           “(F) *PERMANENT COUNCIL.*—Section 14 of  
 6           *the Federal Advisory Committee Act (5 U.S.C.*  
 7           *App.) shall not apply to the Council.”.*

8           (f) *STATE RESPONSIBILITIES.*—Section 15(e) of the  
 9           *Wagner-Peyser Act (29 U.S.C. 49l–2(e)) is amended—*

10           (1) *by striking “employment statistics” each*  
 11           *place it appears and inserting “workforce and labor*  
 12           *market information”;*

13           (2) *in paragraph (1)(A) by striking “annual*  
 14           *plan” and inserting “plan described in subsection*  
 15           *(c)”;*

16           (3) *in paragraph (2)—*

17           (A) *in subparagraph (G), by inserting*  
 18           *“and” at the end;*

19           (B) *by striking subparagraph (H);*

20           (C) *in subparagraph (I), by striking “sec-*  
 21           *tion 136(f)(2) of the Workforce Investment Act of*  
 22           *1998” and inserting “section 131(i)(2) of the*  
 23           *Workforce Investment Act of 2013”; and*

24           (D) *by redesignating subparagraph (I) as*  
 25           *subparagraph (H).*

1       (g) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 2   15(g) of the Wagner-Peyser Act (29 U.S.C. 49l–2(g)) is  
 3   amended by striking “1999 through 2004” and inserting  
 4   “2014 through 2018”.

5   ***TITLE V—AMENDMENTS TO THE***  
 6   ***REHABILITATION ACT OF 1973***  
 7   ***Subtitle A—Introductory Provisions***

8   ***SEC. 501. REFERENCES.***

9       *Except as otherwise specifically provided, whenever in*  
 10   *this title an amendment or repeal is expressed in terms of*  
 11   *an amendment to, or repeal of, a provision, the amendment*  
 12   *or repeal shall be considered to be made to a provision of*  
 13   *the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).*

14   ***SEC. 502. FINDINGS, PURPOSE, POLICY.***

15       (a) *FINDINGS.*—Section 2(a) (29 U.S.C. 701(a)) is  
 16   amended—

17           (1) in paragraph (4), by striking “workforce in-  
 18       vestment systems under title I of the Workforce Invest-  
 19       ment Act of 1998” and inserting “workforce develop-  
 20       ment systems defined in section 101 of the Workforce  
 21       Investment Act of 2013”;

22           (2) in paragraph (5), by striking “and” at the  
 23       end;

24           (3) in paragraph (6), by striking the period and  
 25       inserting “; and”; and



1           (4) *by adding at the end the following:*

2           “(7)(A) *a high proportion of students with dis-*  
 3           *abilities is leaving secondary education without being*  
 4           *employed in competitive integrated employment, or*  
 5           *being enrolled in postsecondary education; and*

6           “(B) *there is a substantial need to support such*  
 7           *students as they transition from school to postsec-*  
 8           *ondary life.”.*

9           (b) *PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is*  
 10          *amended—*

11           (1) *in paragraph (1)—*

12           (A) *in subparagraph (A), by striking*  
 13           *“workforce investment systems implemented in*  
 14           *accordance with title I of the Workforce Invest-*  
 15           *ment Act of 1998” and inserting “workforce de-*  
 16           *velopment systems defined in section 101 of the*  
 17           *Workforce Investment Act of 2013”; and*

18           (B) *at the end of subparagraph (F), by*  
 19           *striking “and”;*

20           (2) *by redesignating paragraph (2) as para-*  
 21           *graph (3);*

22           (3) *by inserting after paragraph (1) the fol-*  
 23           *lowing:*

24           “(2) *to maximize opportunities for individuals*  
 25           *with disabilities, including individuals with signifi-*

1        *cant disabilities, for competitive integrated employ-*  
 2        *ment;”;*

3                *(4) in paragraph (3), as redesignated by para-*  
 4        *graph (2), by striking the period at the end and in-*  
 5        *serting a semicolon; and*

6                *(5) by adding at the end the following:*

7                *“(4) to increase employment opportunities and*  
 8        *employment outcomes for individuals with disabil-*  
 9        *ities, including through encouraging meaningful*  
 10       *input by employers and vocational rehabilitation*  
 11       *service providers on successful and prospective em-*  
 12       *ployment and placement strategies; and*

13               *“(5) to ensure, to the greatest extent possible,*  
 14       *that youth with disabilities and students with disabil-*  
 15       *ities who are transitioning from receipt of special*  
 16       *education services under the Individuals with Disabil-*  
 17       *ities Education Act (20 U.S.C. 1400 et seq.) and re-*  
 18       *ceipt of services under section 504 of this Act are ei-*  
 19       *ther continuing their education or employed in com-*  
 20       *petitive integrated employment.”.*

21    **SEC. 503. DISABILITY EMPLOYMENT SERVICES AND SUP-**  
 22       **PORTS ADMINISTRATION.**

23        *Section 3 (29 U.S.C. 702) is amended—*

24               *(1) by striking subsection (a) and inserting the*  
 25        *following:*

1       “(a)(1) *There is established in the Department of*  
2 *Labor, in the Office of Disability Employment Policy, Serv-*  
3 *ices, and Supports, a Disability Employment Services and*  
4 *Supports Administration. The Administration shall be*  
5 *headed by a Commissioner (referred to in this Act as the*  
6 *‘Commissioner’), appointed by the President by and with*  
7 *the advice and consent of the Senate. Such Administration*  
8 *shall be the principal agency, and the Commissioner shall*  
9 *be the principal officer, of the Department of Labor for car-*  
10 *rying out titles I, III, and VI.*

11       “(2) *The Commissioner shall be an individual with*  
12 *substantial experience in programs that increase employ-*  
13 *ment opportunities for individuals with disabilities in com-*  
14 *petitive integrated employment, including through the pro-*  
15 *vision of employment services, education, training, and*  
16 *supports.*

17       “(3) *In performing the functions of the office, the Com-*  
18 *missioner shall be directly responsible to the Assistant Sec-*  
19 *retary of Disability Employment Policy, Services, and*  
20 *Supports. The functions of the Commissioner shall not be*  
21 *delegated to any other officer unless the officer is directly*  
22 *responsible to the Assistant Secretary of Disability Employ-*  
23 *ment Policy, Services, and Supports.”;*

24               *(2) by redesignating subsection (b) as subsection*  
25               *(c);*

1           (3) *by inserting after subsection (a) the fol-*  
 2           *lowing:*

3           “(b) *The Secretary of Labor shall ensure that—*

4                 *“(1) the Disability Employment Services and*  
 5                 *Supports Administration provides effective oversight*  
 6                 *of, conducts monitoring of, and provides technical as-*  
 7                 *sistance to, the designated State agencies funded*  
 8                 *under this Act; and*

9                 *“(2) the staff providing such oversight, moni-*  
 10                 *toring, and technical assistance includes individuals*  
 11                 *who have training in and experience with the pro-*  
 12                 *grams administered by the Administration.”; and*

13           (4) *in subsection (c), as redesignated by para-*  
 14           *graph (2), by inserting “of Labor” after “Secretary”.*

15   **SEC. 504. DEFINITIONS.**

16           *Section 7 (29 U.S.C. 705) is amended—*

17                 *(1) in paragraph (2)—*

18                         *(A) in the matter preceding subparagraph*  
 19                         *(A), by inserting after “means” the following:*  
 20                         *“an assessment that presumes a goal of an em-*  
 21                         *ployment outcome for all individuals with dis-*  
 22                         *abilities (including individuals with significant*  
 23                         *disabilities and individuals with the most sig-*  
 24                         *nificant disabilities), and that relies on”; and*

25                         *(B) in subparagraph (B)—*

1                   (i) in clause (iii), by striking “and” at  
2                   the end;

3                   (ii) in clause (iv), by striking the semi-  
4                   colon and inserting “; and”; and

5                   (iii) by adding at the end the fol-  
6                   lowing—

7                   “(v) to the maximum extent possible,  
8                   relies on information obtained from experi-  
9                   ences in integrated employment settings in  
10                  the community, and other integrated com-  
11                  munity settings;”;

12                  (2) by striking paragraphs (3) and (4) and in-  
13                  serting the following:

14                  “(3) ASSISTIVE TECHNOLOGY TERMS.—

15                         “(A) ASSISTIVE TECHNOLOGY.—The term  
16                         ‘assistive technology’ has the meaning given such  
17                         term in section 3 of the Assistive Technology Act  
18                         of 1998 (29 U.S.C. 3002).

19                         “(B) ASSISTIVE TECHNOLOGY DEVICE.—The  
20                         term ‘assistive technology device’ has the mean-  
21                         ing given such term in section 3 of the Assistive  
22                         Technology Act of 1998, except that the reference  
23                         in such section to the term ‘individuals with dis-  
24                         abilities’ shall be deemed to mean more than 1

1           *individual with a disability as defined in para-*  
 2           *graph (20)(A)).*

3           “(C) *ASSISTIVE TECHNOLOGY SERVICE.*—  
 4           *The term ‘assistive technology service’ has the*  
 5           *meaning given such term in section 3 of the As-*  
 6           *sistive Technology Act of 1998, except that the*  
 7           *reference in such section—*

8                     “(i) *to the term ‘individual with a dis-*  
 9                     *ability’ shall be deemed to mean an indi-*  
 10                    *vidual with a disability, as defined in*  
 11                    *paragraph (20)(A); and*

12                   “(ii) *to the term ‘individuals with dis-*  
 13                    *abilities’ shall be deemed to mean more than*  
 14                    *1 such individual.’;*

15           (3) *by redesignating paragraph (5) as para-*  
 16           *graph (4);*

17           (4) *in paragraph (4), as redesignated by para-*  
 18           *graph (3)—*

19                   (A) *by redesignating subparagraphs (O)*  
 20                   *through (Q) as subparagraphs (P) through (R),*  
 21                   *respectively;*

22                   (B) *by inserting after subparagraph (N) the*  
 23                   *following:*

24                   “(O) *customized employment services;*”; *and*

1           (C) in subparagraph (R), as redesignated  
 2           by subparagraph (A) of this paragraph, by strik-  
 3           ing “(P)” and inserting “(Q)”;

4           (5) by inserting before paragraph (6) the fol-  
 5           lowing:

6           “(5) *COMPETITIVE INTEGRATED EMPLOYMENT.*—

7                 “(A) *IN GENERAL.*—The term ‘competitive  
 8                 integrated employment’ means work, including  
 9                 self-employment, performed by an employee who  
 10                is an individual with a disability—

11                         “(i) that is compensated—

12                                 “(I) at a rate that—

13   “(aa) is the same rate as the  
 14   rate for other employees who are  
 15   not individuals with disabilities,  
 16   and who are similarly situated in  
 17   similar occupations by the same  
 18   employer and who have similar  
 19   training, experience, and skills;  
 20   and

21   “(bb) shall be in accordance  
 22   with the applicable law, but in no  
 23   event less than the higher of the  
 24   rate specified in section 6(a)(1) of  
 25   the Fair Labor Standards Act of

1                   1938 (29 U.S.C. 206(a)(1)) or the  
2                   applicable State or local min-  
3                   imum wage law; or

4                   “(II) in the case of an individual  
5                   who is self-employed, at an income  
6                   that is comparable to the income re-  
7                   ceived by other individuals who are not  
8                   individuals with disabilities, and who  
9                   are self-employed in similar occupa-  
10                  tions or on similar tasks and who have  
11                  similar training, experience, and skills;

12                  “(ii) due to which the employee is eli-  
13                  gible for the same employment benefits as  
14                  are provided to other employees;

15                  “(iii) that is at a location where the  
16                  employee interacts with other persons who  
17                  are not individuals with disabilities (not  
18                  including supervisory personnel) to the  
19                  same extent that individuals without dis-  
20                  abilities in comparable positions interact  
21                  with other persons; and

22                  “(iv) that presents opportunities for  
23                  advancement that are equivalent to those for  
24                  other employees who are not individuals



1                   *with disabilities and who have comparable*  
 2                   *positions.*

3                   “(B) *INCLUSION OF CUSTOMIZED OR SUP-*  
 4                   *PORTED EMPLOYMENT.*—*The term ‘competitive*  
 5                   *integrated employment’ includes integrated em-*  
 6                   *ployment resulting from the provision of cus-*  
 7                   *tomized employment strategies or supported em-*  
 8                   *ployment services, as long as the work involved*  
 9                   *satisfies the criteria described in subparagraph*  
 10                   *(A).’;*

11                   *(6) in paragraph (6)(B), by striking “includes”*  
 12                   *and all that follows through “fees” and inserting “in-*  
 13                   *cludes architects’ fees”;*

14                   *(7) by inserting after paragraph (6) the fol-*  
 15                   *lowing:*

16                   “(7) *CUSTOMIZED EMPLOYMENT.*—*The term*  
 17                   *‘customized employment’ means competitive inte-*  
 18                   *grated employment, for an individual with a signifi-*  
 19                   *cant disability, that is based on an individualized de-*  
 20                   *termination of the strengths, needs, and interests of*  
 21                   *the individual with a significant disability, is de-*  
 22                   *signed to meet the specific abilities of the individual*  
 23                   *with a significant disability and the business needs of*  
 24                   *the employer, and is carried out through flexible*  
 25                   *strategies, such as—*

1                   “(A) job exploration by the individual;

2                   “(B) working with an employer to facilitate  
3 placement, including—

4                   “(i) customizing a job description  
5 based on current employer needs or on pre-  
6 viously unidentified and unmet employer  
7 needs;

8                   “(ii) developing a set of job duties, a  
9 work schedule and job arrangement, and  
10 specifics of supervision (including perform-  
11 ance evaluation and review), and deter-  
12 mining a job location;

13                   “(iii) representation by a professional  
14 chosen by the individual, or self-representa-  
15 tion of the individual, in working with an  
16 employer to facilitate placement; and

17                   “(iv) providing services and supports  
18 at the job location.”;

19                   (8) in paragraph (9)(B), by striking “14,” and  
20 inserting “14, 14A,”;

21                   (9) in paragraph (11)—

22                   (A) in subparagraph (A), by striking “com-  
23 petitive” and all that follows and inserting  
24 “competitive integrated employment;”; and

25                   (B) in subparagraph (C)—

1                   (i) by inserting “of Labor” after “Sec-  
2                   retary”; and

3                   (ii) by inserting “customized employ-  
4                   ment,” before “self-employment,”;

5                   (10) in paragraph (12), by inserting “of Labor”  
6                   after “Secretary” each place it appears;

7                   (11) in paragraph (14)(C), by inserting “of  
8                   Labor” after “Secretary”;

9                   (12) in paragraph (17)—

10                  (A) in subparagraph (C), by striking “and”  
11                  at the end;

12                  (B) in subparagraph (D), by striking the  
13                  period at the end and inserting a semicolon; and

14                  (C) by adding at the end the following:

15                  “(E) services that—

16                         “(i) facilitate the transition of individ-  
17                         uals with significant disabilities from nurs-  
18                         ing homes and other institutions to home  
19                         and community-based residences, with the  
20                         requisite supports and services;

21                         “(ii) provide assistance to individuals  
22                         with significant disabilities who are at risk  
23                         of entering institutions so that the individ-  
24                         uals may remain in the community; and

1                   “(iii) facilitate the transition of youth  
 2                   (including students) who are individuals  
 3                   with significant disabilities, who were eligi-  
 4                   ble for individualized education programs  
 5                   under section 614(d) of the Individuals with  
 6                   Disabilities Education Act (20 U.S.C.  
 7                   1414(d)), and who have completed their sec-  
 8                   ondary education or otherwise left school, to  
 9                   postsecondary life, including employment;  
 10                  and

11                  “(F) services to promote full access to com-  
 12                  munity life.”;

13                  (13) in paragraph (18), by striking “term” and  
 14                  all that follows through “includes—” and inserting  
 15                  “term ‘independent living services’ includes—”;

16                  (14) in paragraph (19)—

17                         (A) in subparagraph (A), by inserting be-  
 18                         fore the period the following: “and includes a  
 19                         Native and a descendant of a Native, as such  
 20                         terms are defined in subsections (b) and (r) of  
 21                         section 3 of the Alaska Native Claims Settlement  
 22                         Act (43 U.S.C. 1602)”;

23                         (B) in subparagraph (B), by inserting be-  
 24                         fore the period the following: “and a tribal orga-  
 25                         nization (as defined in section 4(l) of the Indian

1       *Self-Determination and Education Assistance*  
 2       *Act (25 U.S.C. 450b(l))*”;

3       *(15) in paragraph (20)(B)—*

4               *(A) by striking “14,” and inserting “14,*  
 5       *14A,”; and*

6               *(B) by striking “and VII” and inserting*  
 7       *“VII, and VIII”;*

8       *(16) in paragraph (23), by striking “section*  
 9       *101” and inserting “section 102”;*

10       *(17) by striking paragraph (25) and inserting*  
 11       *the following:*

12               “(25)   *LOCAL   WORKFORCE   DEVELOPMENT*  
 13       *BOARD.—The term ‘local workforce development*  
 14       *board’ means a local board, as defined in section 101*  
 15       *of the Workforce Investment Act of 2013.”;*

16       *(18) by striking paragraph (37);*

17       *(19) by redesignating paragraphs (29) through*  
 18       *(39) as paragraphs (31) through (36), and (38)*  
 19       *through (41), respectively;*

20       *(20) by inserting after paragraph (28) the fol-*  
 21       *lowing:*

22               “(29)   *POSTEMPLOYMENT SERVICE.—The term*  
 23       *‘postemployment service’ means a service identified*  
 24       *under section 103(a) that is—*

1           “(A) *provided subsequent to the achievement*  
 2           *of an employment outcome; and*

3           “(B) *necessary for an individual to main-*  
 4           *tain or regain competitive integrated employ-*  
 5           *ment, consistent with the individual’s strengths,*  
 6           *resources, priorities, concerns, abilities, capabili-*  
 7           *ties, interests, and informed choice.*

8           “(30) *PRE-EMPLOYMENT TRANSITION SERV-*  
 9           *ICES.—*

10           “(A) *IN GENERAL.—The term ‘pre-employ-*  
 11           *ment transition services’ means a coordinated set*  
 12           *of activities for a student with a disability who*  
 13           *is eligible or potentially eligible for services*  
 14           *under title I, designed within an outcome-ori-*  
 15           *ented process, that promotes movement from*  
 16           *school to postschool activities, including postsec-*  
 17           *ondary education, vocational training, competi-*  
 18           *tive integrated employment (including supported*  
 19           *employment), adult education, adult services,*  
 20           *independent living, or community participation.*

21           “(B) *SPECIFIC SERVICES.—The term ‘pre-*  
 22           *employment transition services’ means a set of*  
 23           *services, that is available to students with dis-*  
 24           *abilities who are eligible or potentially eligible*

1       *for services under title I, and that makes avail-*  
2       *able—*

3               “(i) *job exploration counseling;*

4               “(ii) *work-based learning experience,*  
5       *such as in-school or after school work expe-*  
6       *rience, or work experience outside the tradi-*  
7       *tional school setting (such as experience*  
8       *through job training or internships), that is*  
9       *provided in an integrated environment to*  
10       *the maximum extent possible;*

11              “(iii) *counseling on opportunities for*  
12       *enrollment in a comprehensive transition or*  
13       *postsecondary educational program at an*  
14       *institution of higher education;*

15              “(iv) *school-based preparatory employ-*  
16       *ment experiences such as role playing, so-*  
17       *cial skills development, and independent*  
18       *living training, coordinated with any tran-*  
19       *sition services provided by the local edu-*  
20       *cational agency under the Individuals with*  
21       *Disabilities Education Act (20 U.S.C. 1400*  
22       *et seq.); and*

23              “(v) *instruction in self-advocacy, indi-*  
24       *vidual rights, self-determination skills, and*

1           *the informed consent process, as well as peer*  
 2           *mentoring.*

3           “(C) *COORDINATED SET OF ACTIVITIES.*—  
 4           *For purposes of subparagraph (A), the coordi-*  
 5           *nated set of activities shall be provided in a*  
 6           *manner that leverages appropriate resources and*  
 7           *services available outside the vocational rehabili-*  
 8           *tation program described in title I and shall be*  
 9           *based on the individual needs of a student with*  
 10           *a disability, taking into account the student’s*  
 11           *preferences and interests, and shall include edu-*  
 12           *cation and training, community experiences, the*  
 13           *development of employment and other adult liv-*  
 14           *ing objectives, and, when appropriate, acquisi-*  
 15           *tion of daily living skills and functional voca-*  
 16           *tional evaluation.”;*

17           *(21) by striking paragraph (33), as redesignated*  
 18           *by paragraph (19), and inserting the following:*

19           “(33) *SECRETARY.*—*Unless where the context*  
 20           *otherwise requires, the term ‘Secretary’—*

21                   *“(A) used in title I, III, V, VI, or VIII,*  
 22                   *means the Secretary of Labor; and*

23                   *“(B) used in title II or VII, means the Sec-*  
 24                   *retary of Health and Human Services.”;*



1           (22) by striking paragraphs (35) and (36), as re-  
 2           designated by paragraph (19), and inserting the fol-  
 3           lowing:

4           “(35)    STATE    WORKFORCE    DEVELOPMENT  
 5           BOARD.—The term ‘State workforce development  
 6           board’ means a State board, as defined in section 101  
 7           of the Workforce Investment Act of 2013.

8           “(36)    STATEWIDE   WORKFORCE   DEVELOPMENT  
 9           SYSTEM.—The term ‘statewide workforce development  
 10          system’ means a workforce development system, as de-  
 11          fined in section 101 of the Workforce Investment Act  
 12          of 2013.”;

13          (23) by inserting after that paragraph (36) the  
 14          following:

15          “(37) STUDENT WITH A DISABILITY.—

16               “(A) IN GENERAL.—The term ‘student with  
 17               a disability’ means an individual with a dis-  
 18               ability who—

19                   “(i) attends an elementary school, sec-  
 20                   ondary school, or institution of higher edu-  
 21                   cation;

22                   “(ii)(I)(aa) is not younger than the  
 23                   earliest age for the provision of transition  
 24                   services under section 614(d)(1)(A)(i)(VIII)  
 25                   of the Individuals with Disabilities Edu-

1                    *cation            Act            (20            U.S.C.*  
 2                    *1414(d)(1)(A)(i)(VIII)); or*

3                    *“(bb) if the State involved elects to use*  
 4                    *a lower minimum age for receipt of pre-em-*  
 5                    *ployment transition services under this Act,*  
 6                    *is not younger than that minimum age; and*

7                    *“(II)(aa) is not older than 21 years of*  
 8                    *age; or*

9                    *“(bb) if the State law for the State pro-*  
 10                    *vides for a higher maximum age for receipt*  
 11                    *of services under the Individuals with Dis-*  
 12                    *abilities Education Act (20 U.S.C. 1400 et*  
 13                    *seq.), is not older than that maximum age;*  
 14                    *and*

15                    *“(iii)(I) is eligible for, and receiving,*  
 16                    *special education or related services under*  
 17                    *part B of the Individuals with Disabilities*  
 18                    *Education Act (20 U.S.C. 1411 et seq.); or*

19                    *“(II) is an individual with a dis-*  
 20                    *ability, for purposes of section 504.*

21                    *“(B) STUDENTS WITH DISABILITIES.—The*  
 22                    *term ‘students with disabilities’ means more*  
 23                    *than 1 student with a disability.”;*

1           (24) by striking paragraphs (38) and (39), as re-  
 2           designated by paragraph (19), and inserting the fol-  
 3           lowing:

4           “(38) *SUPPORTED EMPLOYMENT.*—The term  
 5           ‘supported employment’ means competitive integrated  
 6           employment, including customized employment, that  
 7           is individualized and customized consistent with the  
 8           strengths, abilities, interests, and informed choice of  
 9           the individuals involved, for individuals with the  
 10          most significant disabilities—

11           “(A)(i) for whom competitive integrated em-  
 12          ployment has not historically occurred; or

13           “(ii) for whom competitive integrated em-  
 14          ployment has been interrupted or intermittent as  
 15          a result of a significant disability; and

16           “(B) who, because of the nature and severity  
 17          of their disability, need intensive supported em-  
 18          ployment services and may need extended serv-  
 19          ices after the transition described in paragraph  
 20          (13)(C), in order to perform the work involved.

21           “(39) *SUPPORTED EMPLOYMENT SERVICES.*—The  
 22          term ‘supported employment services’ means ongoing  
 23          support services, including customized employment,  
 24          needed to support and maintain an individual with

1       *a most significant disability in supported employ-*  
 2       *ment, that—*

3               “(A) *are provided singly or in combination*  
 4               *and are organized and made available in such a*  
 5               *way as to assist an eligible individual to achieve*  
 6               *an employment outcome in competitive inte-*  
 7               *grated employment;*

8               “(B) *are based on a determination of the*  
 9               *needs of an eligible individual, as specified in an*  
 10              *individualized plan for employment; and*

11              “(C) *are provided by the designated State*  
 12              *unit for a period of not more than 24 months,*  
 13              *except that that period may be extended, if nec-*  
 14              *essary, in order to achieve the employment out-*  
 15              *come identified in the individualized plan for*  
 16              *employment.”;*

17              (25) *in paragraph (41), as redesignated by para-*  
 18              *graph (19), by striking “1998” and inserting “2013”;*  
 19              *and*

20              (26) *by inserting after paragraph (41), as redes-*  
 21              *ignated by paragraph (19), the following:*

22              “(42) *YOUTH WITH A DISABILITY.—*

23                      “(A) *IN GENERAL.—The term ‘youth with a*  
 24                      *disability’ means an individual with a disability*  
 25                      *who—*

1                   “(i) is not younger than 14 years of  
2                   age; and

3                   “(ii) is not older than 25 years of age.

4                   “(B) YOUTH WITH DISABILITIES.—The  
5                   term ‘youth with disabilities’ means more than  
6                   1 youth with a disability.”.

7 **SEC. 505. ADMINISTRATION OF THE ACT.**

8           (a) PROMULGATION.—Section 8(a)(2) (29 U.S.C.  
9 706(a)(2)) is amended by inserting “of Labor” after “Sec-  
10 retary”.

11          (b) PRIVACY.—Section 11 (29 U.S.C. 708) is amend-  
12 ed—

13               (1) by inserting “(a)” before “The provisions”;  
14               and

15               (2) by adding at the end the following:

16           “(b) Section 601 of the Workforce Investment Act of  
17 2013 shall apply, as specified in that section, to amend-  
18 ments to this Act that were made by the Workforce Invest-  
19 ment Act of 2013.”.

20          (c) ADMINISTRATION BY THE SECRETARY OF  
21 LABOR.—Section 12 (29 U.S.C. 709) is amended—

22               (1) in the section header, by striking “OF THE  
23 ACT” and inserting “BY THE SECRETARY OF LABOR”;

24               (2) in subsection (a)—

25                   (A) in paragraph (1)—

1                   (i) by striking “(1)” and inserting  
2                   “(1)(A)”; and

3                   (ii) by adding at the end the following:

4                   “(B) provide technical assistance to the des-  
5                   ignated State units on developing successful partner-  
6                   ships with local and multi-State businesses in an ef-  
7                   fort to increase the employment of individuals with  
8                   disabilities;

9                   “(C) provide technical assistance to providers  
10                  and organizations on developing self-employment op-  
11                  portunities and outcomes for individuals with disabil-  
12                  ities; and

13                  “(D) provide technical assistance to entities car-  
14                  rying out community rehabilitation programs to  
15                  build their internal capacity to provide individual-  
16                  ized services and supports leading to competitive inte-  
17                  grated employment, and to transition individuals  
18                  with disabilities away from nonintegrated settings;”;  
19                  and

20                  (B) in paragraph (2), by striking “, centers  
21                  for independent living,”;

22                  (3) in subsections (d), (e), and (f), by inserting  
23                  “of Labor” after “Secretary” each place it appears;

1           (4) in subsection (e), by striking “Rehabilitation  
2    Act Amendments of 1998” each place it appears and  
3    inserting “Workforce Investment Act of 2013”;

4           (5) by redesignating subsection (g) as subsection  
5    (h); and

6           (6) by inserting after subsection (f) the following:

7           “(g) In this section, a reference to ‘this Act’ means a  
8    provision of this Act that the Secretary of Labor has author-  
9    ity to carry out.”.

10          (d) *ADMINISTRATION BY THE SECRETARY OF HEALTH*  
11    *AND HUMAN SERVICES.*—The Act is amended by inserting  
12    after section 12 (29 U.S.C. 709) the following:

13    **“SEC. 12A. ADMINISTRATION BY THE SECRETARY OF**  
14           **HEALTH AND HUMAN SERVICES.**

15          “(a) *AUTHORITIES.*—In carrying out the purposes of  
16    this Act, the ILA Director may—

17           “(1) provide consultative services and technical  
18    assistance to public or nonprofit private agencies and  
19    organizations, including assistance to enable such  
20    agencies and organizations to facilitate meaningful  
21    and effective collaboration with independent living  
22    programs, and promote a philosophy of independent  
23    living for individuals with disabilities in community  
24    activities;

1           “(2) *provide short-term training and technical*  
2           *instruction, including training for the personnel of*  
3           *centers for independent living and Statewide Inde-*  
4           *pendent Living Councils;*

5           “(3) *conduct special projects and demonstrations;*

6           “(4) *collect, prepare, publish, and disseminate*  
7           *educational or informational materials, including re-*  
8           *ports of the projects for which funds are provided*  
9           *under this Act; and*

10          “(5) *provide monitoring and conduct evalua-*  
11          *tions.*

12          “(b) *AUTHORITIES CONCERNING OTHER AGENCIES.—*

13               “(1) *SERVICES AND FACILITIES.—In carrying*  
14               *out the duties under this Act, the ILA Director may*  
15               *utilize the services and facilities of any agency of the*  
16               *Federal Government and of any other public or non-*  
17               *profit agency or organization, in accordance with*  
18               *agreements between the ILA Director and the head*  
19               *thereof, and may pay therefor, in advance or by way*  
20               *of reimbursement, as may be provided in the agree-*  
21               *ment.*

22               “(2) *TASK FORCES.—In carrying out the provi-*  
23               *sions of this Act, the ILA Director shall appoint such*  
24               *task forces as may be necessary to collect and dissemi-*  
25               *nate information in order to improve the ability of*



1       *the ILA Director to carry out the provisions of this*  
2       *Act.*

3       “(c) *REGULATIONS GENERALLY.*—*The Secretary of*  
4       *Health and Human Services may promulgate such regula-*  
5       *tions as are considered appropriate to carry out the ILA*  
6       *Director’s duties under this Act.*

7       “(d) *REGULATIONS TO IMPLEMENT THE WORKFORCE*  
8       *INVESTMENT ACT OF 2013.*—*Not later than 180 days after*  
9       *the date of enactment of the Workforce Investment Act of*  
10       *2013, the Secretary of Health and Human Services shall*  
11       *receive public comment and promulgate regulations to im-*  
12       *plement the amendments made by the Workforce Investment*  
13       *Act of 2013.*

14       “(e) *NECESSITY.*—*In promulgating regulations to*  
15       *carry out this Act, the Secretary of Health and Human*  
16       *Services shall promulgate only regulations that are nec-*  
17       *essary to administer and ensure compliance with the spe-*  
18       *cific requirements of this Act.*

19       “(f) *APPLICATION.*—*In this section, a reference to ‘this*  
20       *Act’ means a provision of this Act that the Secretary of*  
21       *Health and Human Services has authority to carry out.*

22       “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
23       *are authorized to be appropriated to carry out this section*  
24       *such sums as may be necessary.”.*

1 **SEC. 506. REPORTS.**

2 *Section 13 (29 U.S.C. 710) is amended—*

3 *(1) in section (c)—*

4 *(A) by striking “(c)” and inserting “(c)(1)”;*

5 *(B) in the second sentence, by striking “sec-*  
 6 *tion 136(d) of the Workforce Investment Act of*  
 7 *1998” and inserting “section 131(d)(2) of the*  
 8 *Workforce Investment Act of 2013”; and*

9 *(C) by adding at the end the following:*

10 *“(2) The ILA Director described in section 701A shall*  
 11 *include, in the annual report, information on the extent to*  
 12 *which centers for independent living receiving funds under*  
 13 *part C of chapter 1 of title VII have complied with the*  
 14 *standards and assurances set forth in section 725. The ILA*  
 15 *Director may identify individual centers for independent*  
 16 *living in the analysis contained in that information. The*  
 17 *ILA Director shall include in the report the results of onsite*  
 18 *compliance reviews, identifying individual centers for inde-*  
 19 *pendent living and other recipients of assistance under part*  
 20 *C of chapter 1 of title VII.”; and*

21 *(2) by adding at the end the following:*

22 *“(d)(1)(A) The Commissioner shall ensure that the re-*  
 23 *ports, information, and data described in subparagraph (B)*  
 24 *are made publicly available in a timely manner, including*  
 25 *through electronic means, in order to inform the public*

1 *about the administration and performance of programs in*  
2 *each State under this Act.*

3       “(B) *The reports, information, and data referred to in*  
4 *subparagraph (A) shall consist of—*

5               “(i) *reports submitted by a designated State*  
6 *agency or designated State unit under this Act;*

7               “(ii) *accountability information, including State*  
8 *performance information relating to evaluation*  
9 *standards and performance indicators, and addi-*  
10 *tional performance accountability indicators, under*  
11 *section 106, including information on compliance*  
12 *with such standards, indicators, and measures, relat-*  
13 *ing to individuals with disabilities, submitted by a*  
14 *designated State agency or designated State unit*  
15 *under this Act, or submitted by a State to the Sec-*  
16 *retary of Labor or the Secretary of Education under*  
17 *section 131 of the Workforce Investment Act of 2013;*

18               “(iii) *data collected from each designated State*  
19 *unit under this Act with the approval of the Office of*  
20 *Management and Budget, which shall be made pub-*  
21 *licly available in the aggregate, and in a manner that*  
22 *will not reveal personally identifiable information;*  
23 *and*

24               “(iv) *reports from monitoring conducted under*  
25 *this Act, including relevant reports required under*

1        *section 131 of the Workforce Investment Act of 2013*  
2        *and other relevant reports, information, and data re-*  
3        *quired under title I of such Act.*

4        *“(C)(i) The Commissioner shall ensure that the infor-*  
5        *mation described in clause (ii) is made publicly available*  
6        *in a timely manner, including through electronic means.*

7        *“(ii) The information referred to in clause (i) is—*

8                *“(I) the reports, information, and data required*  
9        *to be submitted by designated State units or des-*  
10       *ignated State agencies under this Act;*

11               *“(II) evaluations, studies, and audits conducted*  
12       *by Federal agencies, concerning programs carried out*  
13       *under this Act; and*

14               *“(III) a list that specifies the designated State*  
15       *unit or designated State agency for each State, in-*  
16       *cluding a link to the website maintained by each such*  
17       *unit or agency.*

18       *“(2) The Commissioner shall maintain public use*  
19       *read-only access to the State and aggregated reports, and*  
20       *analyzed data, concerning programs carried out under this*  
21       *Act, that are filed and maintained in the Disability Em-*  
22       *ployment Services and Supports Administration manage-*  
23       *ment information system or a system maintained by the*  
24       *Department of Labor.”.*

1 **SEC. 507. EVALUATION AND INFORMATION.**

2 (a) *EVALUATION BY THE SECRETARY OF LABOR.*—

3 *Section 14 (29 U.S.C. 711) is amended—*

4 (1) *in the section header, by striking “EVALUA-*  
 5 *TION” and inserting “EVALUATION BY THE SEC-*  
 6 *RETARY OF LABOR”;*

7 (2) *by inserting “of Labor” after “Secretary”*  
 8 *each place it appears;*

9 (3) *in subsection (f)(2), by striking “non-*  
 10 *integrated to integrated employment” and inserting*  
 11 *“nonintegrated to competitive integrated employ-*  
 12 *ment”;*

13 (4) *by redesignating subsection (g) as subsection*  
 14 *(h); and*

15 (5) *by inserting after subsection (f) the following:*  
 16 *“(g) In this section, a reference to ‘this Act’ means a*  
 17 *provision of this Act that the Secretary of Labor has author-*  
 18 *ity to carry out.”.*

19 (b) *EVALUATION BY THE SECRETARY OF HEALTH AND*  
 20 *HUMAN SERVICES.*—*The Act is amended by inserting after*  
 21 *section 14 (29 U.S.C. 711) the following:*

22 **“SEC. 14A. EVALUATION BY THE SECRETARY OF HEALTH**  
 23 **AND HUMAN SERVICES.**

24 *“(a) IN GENERAL.—For the purpose of improving pro-*  
 25 *gram management and effectiveness, the Secretary of*  
 26 *Health and Human Services, in consultation with the ILA*

1 *Director, shall evaluate all the programs authorized by this*  
2 *Act, their general effectiveness in relation to their cost, their*  
3 *impact on related programs, and their structure and mech-*  
4 *anisms for delivery of services, using appropriate method-*  
5 *ology and evaluative research designs. The Secretary of*  
6 *Health and Human Services shall establish and use stand-*  
7 *ards for the evaluations required by this subsection. Such*  
8 *an evaluation shall be conducted by a person not imme-*  
9 *diately involved in the administration of the program eval-*  
10 *uated.*

11       “(b) *PARTICIPANT OPINIONS.*—*In carrying out evalua-*  
12 *tions under this section, the Secretary of Health and*  
13 *Human Services shall obtain the opinions of program and*  
14 *project participants about the strengths and weaknesses of*  
15 *the programs and projects.*

16       “(c) *PROPERTY.*—*The Secretary of Health and*  
17 *Human Services shall take the necessary action to assure*  
18 *that all studies, evaluations, proposals, and data produced*  
19 *or developed with Federal funds under this Act shall become*  
20 *the property of the United States.*

21       “(d) *INFORMATION.*—*Such information as the Sec-*  
22 *retary of Health and Human Services may determine to*  
23 *be necessary for purposes of the evaluations conducted under*  
24 *this section shall be made available upon request of the Sec-*

1   retary, by the departments and agencies of the executive  
2   branch.

3       “(e) *INFORMATION ON INDEPENDENT LIVING.*—The  
4   ILA Director shall identify and disseminate information on  
5   exemplary practices concerning independent living services  
6   and centers for independent living.

7       “(f) *APPLICATION.*—In this section, a reference to ‘this  
8   Act’ means a provision of this Act that the Secretary of  
9   Health and Human Services has authority to carry out.

10      “(g) *AUTHORIZATION.*—There are authorized to be ap-  
11   propriated to carry out this section such sums as may be  
12   necessary.”.

13      (c) *INFORMATION.*—Section 15 (29 U.S.C. 712) is  
14   amended—

15           (1) in subsection (a)—

16                   (A) by inserting “of Labor” after “Sec-  
17                   retary” each place it appears; and

18                   (B) in paragraph (1), by striking “State  
19                   workforce investment boards” and inserting  
20                   “State workforce development boards”; and

21           (2) in subsection (b), by striking “Secretary to  
22           develop within the Department of Education” and in-  
23           serting “Secretary of Labor to develop, within the De-  
24           partment of Labor,”.

1 **SEC. 508. CARRYOVER.**

2 *Section 19 (29 U.S.C. 716) is amended—*

3 *(1) in subsection (a)(1), by striking “part B of*  
 4 *title I” and all that follows through “including” and*  
 5 *inserting “part B of title I (except the client assist-*  
 6 *ance program funded under section 112), part B of*  
 7 *title VI, chapter 1 of title VII, or chapter 2 of title*  
 8 *VII (except as provided in section 753(b)), includ-*  
 9 *ing”; and*

10 *(2) by adding at the end the following:*

11 *“(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND*  
 12 *ADVOCACY OF INDIVIDUAL RIGHTS.—*

13 *“(1) APPROPRIATED AMOUNTS.—Notwith-*  
 14 *standing any other provision of law, any funds ap-*  
 15 *propriated for a fiscal year to carry out a grant pro-*  
 16 *gram under section 112 or 509 (except as provided in*  
 17 *section 509(b)), including any funds reallocated during*  
 18 *that fiscal year under such grant program, that are*  
 19 *not obligated and expended by a recipient prior to the*  
 20 *beginning of the succeeding fiscal year, shall remain*  
 21 *available for obligation and expenditure by such re-*  
 22 *cipient during such succeeding fiscal year.*

23 *“(2) PROGRAM INCOME.—Notwithstanding any*  
 24 *other provision of law, any amount of program in-*  
 25 *come received by a recipient under a grant program*  
 26 *under section 112 or 509 in a fiscal year that is not*



1        *obligated and expended by the recipient prior to the*  
 2        *beginning of the succeeding fiscal year, shall remain*  
 3        *available until the end of the second fiscal year after*  
 4        *the fiscal year in which it was received.”.*

5    **SEC. 509. TRADITIONALLY UNDERSERVED POPULATIONS.**

6        *Section 21 (29 U.S.C. 718) is amended—*

7            *(1) in subsection (a), by striking paragraphs (1)*  
 8        *and (2) and inserting the following:*

9            *“(1) RACIAL PROFILE.—The demographic profile*  
 10        *of the United States is changing at an unprecedented*  
 11        *rate, with the population of the Nation becoming far*  
 12        *more ethnically diverse than in the past. Within the*  
 13        *United States, while the percentage increase from*  
 14        *2000 to 2010 for white Americans was 9.7 percent,*  
 15        *the percentage increase during that period for racial*  
 16        *and ethnic minorities was much higher: 43.0 percent*  
 17        *for Latinos, 12.3 percent for African-Americans, and*  
 18        *43.2 percent for Asian-Americans. By the year 2020,*  
 19        *the Nation is projected to have a population of*  
 20        *341,000,000, and the percentage of the population*  
 21        *that will be either Latino, African-American, or*  
 22        *Asian-American is projected to be over 40 percent.*

23            *“(2) RATE OF DISABILITY.—Ethnic and racial*  
 24        *minorities tend to have disabling conditions at a dis-*  
 25        *proportionately high rate. In 2011—*

1           “(A) among Americans ages 16 through 64,  
2           the rate of disability was 12.1 percent;

3           “(B) among African-Americans in that age  
4           range, the disability rate was more than twice as  
5           high, at 27.1 percent; and

6           “(C) for American Indians and Alaska Na-  
7           tives in the same age range, the disability rate  
8           was also more than twice as high, at 27.0 per-  
9           cent.”;

10          (2) in subsection (b)(1)—

11           (A) by striking “National Institute on Dis-  
12           ability and Rehabilitation Research” and insert-  
13           ing “National Institute on Disability, Inde-  
14           pendent Living, and Rehabilitation Research”;  
15           and

16           (B) by striking “1 percent” and inserting  
17           “2 percent”.

18           ***Subtitle B—Vocational***  
19           ***Rehabilitation Services***

20          ***SEC. 511. DECLARATION OF POLICY; AUTHORIZATION OF***  
21           ***APPROPRIATIONS.***

22           (a) *FINDINGS; PURPOSE; POLICY.*—Section 100(a) (29  
23          U.S.C. 720(a)) is amended—

24           (1) in paragraph (1)—

1           (A) in subparagraph (C), by striking “gain-  
 2           ful employment in integrated settings” and in-  
 3           serting “gainful employment in competitive inte-  
 4           grated employment settings”;

5           (B) in subparagraph (D)(iii), by striking  
 6           “medicare and medicaid” and inserting “Medi-  
 7           care and Medicaid”; and

8           (C) in subparagraph (G)—

9                 (i) by striking “workforce investment  
 10                systems” and inserting “workforce develop-  
 11                ment systems”; and

12               (ii) by striking “workforce investment  
 13               activities” and inserting “workforce devel-  
 14               opment activities”;

15          (2) in paragraph (2)—

16               (A) in subparagraph (A), by striking  
 17               “workforce investment system” and inserting  
 18               “workforce development system”; and

19               (B) in subparagraph (B), by striking  
 20               “gainful employment” and inserting “high qual-  
 21               ity employment that will increase opportunities  
 22               for economic self-sufficiency”; and

23          (3) in paragraph (3)—

24               (A) in subparagraph (B), by striking “gain-  
 25               ful employment in integrated settings” and in-

1           serting “competitive integrated employment”;  
2           and

3                   (B) in subparagraph (E), by inserting  
4           “should” before “facilitate”.

5       (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
6 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking  
7 “fiscal years 1999 through 2003” and inserting “fiscal  
8 years 2014 through 2018”.

9   **SEC. 512. STATE PLANS.**

10       (a) *PLAN REQUIREMENTS.*—Section 101(a) (29 U.S.C.  
11 721(a)) is amended—

12           (1) in paragraph (1)—

13                   (A) in subparagraph (A), by striking “to  
14           participate” and all that follows and inserting  
15           “to receive funds under this title for a fiscal  
16           year, a State shall submit, and have approved by  
17           the Secretary and the Secretary of Education a  
18           unified State plan in accordance with section  
19           112, or a combined State plan in accordance  
20           with section 113, of the Workforce Investment  
21           Act of 2013. The unified or combined State plan  
22           shall include, in the portion of the plan described  
23           in section 112(b)(2)(D) of such Act (referred to  
24           in this subsection as the ‘vocational rehabilita-  
25           tion services portion’), the provisions of a State

1        *plan for vocational rehabilitation services, de-*  
2        *scribed in this subsection.”; and*

3                *(B) in subparagraph (B)—*

4                    *(i) by striking “in the State plan for*  
5                    *vocational rehabilitation services,” and in-*  
6                    *serting “as part of the vocational rehabilita-*  
7                    *tion services portion of the unified or com-*  
8                    *bined State plan submitted in accordance*  
9                    *with subparagraph (A),”; and*

10                   *(ii) by striking “Rehabilitation Act*  
11                   *Amendments of 1998” and inserting “Work-*  
12                   *force Investment Act of 2013”; and*

13                *(C) in subparagraph (C)—*

14                   *(i) by striking “The State plan shall*  
15                   *remain in effect subject to the submission of*  
16                   *such modifications” and inserting “The vo-*  
17                   *cational rehabilitation services portion of*  
18                   *the unified or combined State plan sub-*  
19                   *mitted in accordance with subparagraph*  
20                   *(A) shall remain in effect until the State is*  
21                   *required to submit the plan in accordance*  
22                   *with subparagraph (A) or until the submis-*  
23                   *sion of such modifications”; and*

1                   (ii) by striking “, until the State sub-  
 2                   mits and receives approval of a new State  
 3                   plan”;

4                   (2) in paragraph (2)—

5                   (A) in subparagraph (A), by striking “The  
 6                   State plan” and inserting “The State plan for  
 7                   vocational rehabilitation services”;

8                   (B) in subparagraph (B)(ii), by striking  
 9                   subclauses (I) through (IV) and inserting the fol-  
 10                  lowing:

11                               “(I) is primarily concerned with  
 12                               vocational rehabilitation, or vocational  
 13                               and other rehabilitation, of individuals  
 14                               with disabilities, and is responsible for  
 15                               administering the vocational rehabili-  
 16                               tation program of the designated State  
 17                               agency;

18                               “(II) has a full-time director who  
 19                               is responsible for the day-to-day oper-  
 20                               ation of the vocational rehabilitation  
 21                               program, including—

22                                       “(aa) making all decisions  
 23                                       affecting eligibility for vocational  
 24                                       rehabilitation services, the nature

1           *and scope of available services,*  
2           *and the provision of the services;*

3           “(bb) the determination to  
4           close the record of services of an  
5           individual who has achieved an  
6           employment outcome;

7           “(cc) policy formulation and  
8           implementation;

9           “(dd) the allocation and ex-  
10          penditure of funds for vocational  
11          rehabilitation services;

12          “(ee) representation of the or-  
13          ganizational unit as a one-stop  
14          partner in the one-stop delivery  
15          system under title I of the Work-  
16          force Investment Act of 2013; and

17          “(ff) representation of the vo-  
18          cational rehabilitation services  
19          core program for purposes of sec-  
20          tion 111(b)(1)(C)(iii)(I) of the  
21          Workforce Investment Act of 2013;

22          “(III) has a staff employed on the  
23          rehabilitation work of the organiza-  
24          tional unit, all or substantially all of  
25          whom are employed full-time on the

1           *vocational rehabilitation or vocational*  
2           *and other rehabilitation work of the or-*  
3           *ganizational unit;*

4           “(IV) *is located at an organiza-*  
5           *tional level and has an organizational*  
6           *status within the designated State*  
7           *agency comparable to that of other*  
8           *major organizational units of the des-*  
9           *ignated State agency for which the*  
10          *head of the designated State agency*  
11          *has a direct line of authority; and*

12          “(V)(aa) *has the sole authority*  
13          *and responsibility within the State to*  
14          *ensure that the funds appropriated*  
15          *under this title are expended only in a*  
16          *manner that is consistent with the pur-*  
17          *poses of this title; and*

18          “(bb) *may not delegate to another*  
19          *agency, including the designated State*  
20          *agency, the authority and responsi-*  
21          *bility described in item (aa) or allow*  
22          *an agency described in this item to*  
23          *perform that authority and responsi-*  
24          *bility.”; and*

25          *(C) by adding at the end the following:*



1           “(D) *STATE AGENCY FOR REIMBURSEMENT*  
 2           *PURPOSES.*—*A governing body of an Indian*  
 3           *tribe that receives a grant under section 121*  
 4           *shall be considered, for purposes of the cost reim-*  
 5           *bursement provisions—*

6                   “(i) *in section 222(d)(1) of the Social*  
 7                   *Security Act (42 U.S.C. 422(d)(1)), to be a*  
 8                   *State; and*

9                   “(ii) *in subsections (d) and (e) of sec-*  
 10                   *tion 1615 of the Social Security Act (42*  
 11                   *U.S.C. 1382d), to be a State agency de-*  
 12                   *scribed in subsection (d) of that section.”;*

13           (3) *in paragraph (5)—*

14                   (A) *in subparagraph (C), by striking “and”*  
 15                   *at the end;*

16                   (B) *by redesignating subparagraph (D) as*  
 17                   *subparagraph (E); and*

18                   (C) *by inserting after subparagraph (C) the*  
 19                   *following:*

20                   “(D) *notwithstanding subparagraph (C),*  
 21                   *permit the State, in its discretion, to elect to*  
 22                   *serve eligible individuals (whether or not receiv-*  
 23                   *ing vocational rehabilitation services) who re-*  
 24                   *quire specific services or equipment to maintain*  
 25                   *employment; and”;*

1           (4) in paragraph (6)(B), by striking “to employ  
2           and advance in employment” and inserting “to em-  
3           ploy and advance in competitive integrated employ-  
4           ment”;

5           (5) in paragraph (7)—

6                 (A) in subparagraph (A)(v)—

7                     (i) in subclause (I), after “rehabilita-  
8                     tion technology” insert the following: “, in-  
9                     cluding training implemented in coordina-  
10                    tion with entities carrying out State pro-  
11                    grams under section 4 of the Assistive Tech-  
12                    nology Act of 1998 (29 U.S.C. 3003)”; and

13                   (ii) in subclause (II), by striking “Re-  
14                    habilitation Act Amendments of 1998” and  
15                    inserting “Workforce Investment Act of  
16                    2013”; and

17                 (B) in subparagraph (B), by striking clause  
18                 (ii) and inserting the following:

19                     “(ii) the establishment and mainte-  
20                     nance of education and experience require-  
21                     ments, to ensure that the personnel have a  
22                     21st Century understanding of the evolving  
23                     labor force and the needs of individuals  
24                     with disabilities, including requirements  
25                     for—

1           “(I)(aa) attainment of a bacca-  
2           laureate degree in a field of study rea-  
3           sonably related to vocational rehabili-  
4           tation, to indicate a level of com-  
5           petency and skill demonstrating basic  
6           preparation in a field of study such as  
7           vocational rehabilitation counseling,  
8           social work, psychology, disability  
9           studies, business administration,  
10          human resources, special education,  
11          supported employment, customized em-  
12          ployment, economics, or another field  
13          that reasonably prepares individuals to  
14          work with consumers and employers;  
15          and

16               “(bb) demonstrated paid or un-  
17               paid experience, for not less than 1  
18               year, consisting of—

19                       “(AA) direct work with indi-  
20                       viduals with disabilities in a set-  
21                       ting such as an independent liv-  
22                       ing center;

23                       “(BB) direct service or advoca-  
24                       cacy activities that provide such  
25                       individual with experience and

1 *skills in working with individuals*  
 2 *with disabilities; or*

3 “(CC) *direct experience as an*  
 4 *employer, as a small business*  
 5 *owner or operator, or in self-em-*  
 6 *ployment, or other experience in*  
 7 *human resources, recruitment, or*  
 8 *experience in supervising employ-*  
 9 *ees, training, or other activities*  
 10 *that provide experience in com-*  
 11 *petitive integrated employment*  
 12 *environments; or*

13 “(II) *attainment of a master’s or*  
 14 *doctoral degree in a field of study such*  
 15 *as vocational rehabilitation counseling,*  
 16 *law, social work, psychology, disability*  
 17 *studies, business administration,*  
 18 *human resources, special education,*  
 19 *management, public administration, or*  
 20 *another field that reasonably provides*  
 21 *competence in the employment sector,*  
 22 *in a disability field, or in both busi-*  
 23 *ness-related and rehabilitation-related*  
 24 *fields; and”;*

25 (6) *in paragraph (8)—*

1           (A) in subparagraph (A), by striking  
2           “(5)(D)” and inserting “(5)(E)”;

3           (B) in subparagraph (B)—

4           (i) in the matter preceding clause (i)—

5           (I) by striking “workforce invest-  
6           ment system” and inserting “workforce  
7           development system”; and

8           (II) by striking “(5)(D)” and in-  
9           serting “(5)(E)”; and

10          (ii) in clause (iv), by striking “(5)(D)”  
11          and inserting “(5)(E)”; and

12          (iii) by adding at the end the fol-  
13          lowing:

14               “(v) *PROVISION OF ACCOMMODATIONS*  
15               *AND AUXILIARY AIDS AND SERVICES.—In-*  
16               *formation specifying policies and proce-*  
17               *dures for resolving issues of financial re-*  
18               *sponsibility and reimbursement, as appro-*  
19               *priate, for an accommodation or auxiliary*  
20               *aid or service for an individual with a dis-*  
21               *ability, in the event that the designated*  
22               *State unit pays for that item or that aid or*  
23               *service, in order to avoid interruption of or*  
24               *delay in—*

1                   “(I) the progress of an individual  
2                   in achieving an employment outcome;

3                   “(II) an immediate job placement;  
4                   or

5                   “(III) the provision of services to  
6                   an individual at extreme medical  
7                   risk.”; and

8                   (C) in subparagraph (C)(i), by striking  
9                   “(5)(D)” and inserting “(5)(E)”;  
10                  (7) in paragraph (10)—

11                  (A) in subparagraph (B), by striking “an-  
12                  nual” and all that follows through “of 1998” and  
13                  inserting “annual reporting of information, on  
14                  eligible individuals receiving the services, that is  
15                  necessary to assess the State’s performance on  
16                  those primary indicators of performance (de-  
17                  scribed in section 131(b)(2)(A)(i) of the Work-  
18                  force Investment Act of 2013)”;

19                  (B) in subparagraph (C)—

20                  (i) in the matter preceding clause (i),  
21                  by inserting “, from each individual State,”  
22                  after “additional data”;

23                  (ii) in clause (i)(II), by striking “de-  
24                  termined” and all that follows and insert-  
25                  ing “determined to be ineligible for voca-

1            *tional rehabilitation services, and the rea-*  
 2            *son for such determination of ineligibility*  
 3            *(disaggregated by type of disability, and*  
 4            *age);”;*

5            *(iii) in clause (ii)—*

6            *(I) in subclause (I), by striking*  
 7            *“(5)(D)” and inserting “(5)(E)”;*

8            *(II) in subclause (II), by striking*  
 9            *“and” at the end; and*

10           *(III) by adding at the end the fol-*  
 11           *lowing:*

12           *“(IV) a comparison, among indi-*  
 13           *viduals who obtained employment, of—*

14           *“(aa) the number of individ-*  
 15           *uals who continued to use public*  
 16           *benefits; and*

17           *“(bb) the number of individ-*  
 18           *uals who no longer used public*  
 19           *benefits;*

20           *“(V) the aggregate number of in-*  
 21           *dividuals with ongoing open cases*  
 22           *(disaggregated by individuals who are*  
 23           *in training settings, and individuals*  
 24           *who are in postsecondary education),*

1 *and the services individuals described*  
2 *in this subclause are receiving;*

3 *“(VI) the aggregate number of stu-*  
4 *dents with disabilities and the aggre-*  
5 *gate number of youth with disabilities*  
6 *who are receiving transition services,*  
7 *and the total cost for providing those*  
8 *services to such students and such*  
9 *youth during the last full fiscal year*  
10 *prior to the date of enactment of the*  
11 *Workforce Investment Act of 2013 and*  
12 *during each fiscal year thereafter;*

13 *“(VII) the number of youth with*  
14 *disabilities who entered apprenticeship*  
15 *programs and the number of youth*  
16 *with disabilities who entered postsec-*  
17 *ondary education;*

18 *“(VIII) the number of youth with*  
19 *disabilities who entered employment;*

20 *“(IX) the number of individuals*  
21 *referred to one-stop centers, as defined*  
22 *in section 101 of the Workforce Invest-*  
23 *ment Act of 2013; and*

24 *“(X) the number of individuals*  
25 *referred from such one-stop centers to*



1                   *designated State units and the out-*  
 2                   *comes of such referrals;”;*

3                   *(iv) in clause (iii)(II)(bb), by striking*  
 4                   *“and” at the end;*

5                   *(v) in clause (iv)—*

6                   *(I) in subclause (I), by inserting*  
 7                   *before the semicolon the following:*  
 8                   *“and, for those who achieved employ-*  
 9                   *ment outcomes, the average length of*  
 10                   *time to obtain employment”; and*

11                   *(II) in subclause (II), by striking*  
 12                   *the period and inserting “; and”; and*  
 13                   *(vi) by adding at the end the following:*

14                   *“(v)(I) the transition from school to*  
 15                   *postsecondary life, including employment,*  
 16                   *and achievement of the postsecondary voca-*  
 17                   *tional goals, of students with disabilities*  
 18                   *served under the program carried out under*  
 19                   *this title; and*

20                   *“(II) the provision of supported em-*  
 21                   *ployment services.”;*

22                   *(C) in subparagraph (D)(i), by striking*  
 23                   *“title I of the Workforce Investment Act of 1998”*  
 24                   *and inserting “title II of the Workforce Invest-*  
 25                   *ment Act of 2013”;*

1           (D) in subparagraph (E)(ii), by striking  
 2           “of the State” and all that follows and inserting  
 3           “of the State in meeting the standards and indi-  
 4           cators established pursuant to section 106.”; and

5           (E) by adding at the end the following:

6           “(G) RULES FOR REPORTING OF DATA.—  
 7           The disaggregation of data under this section  
 8           shall not be required within a category if the  
 9           number of participants in a category is insuffi-  
 10          cient to yield statistically reliable information,  
 11          or required if the results would reveal personally  
 12          identifiable information about an individual  
 13          participant.

14          “(H) COMPREHENSIVE REPORT.—The State  
 15          plan shall specify that the Commissioner will  
 16          provide an annual comprehensive report that in-  
 17          cludes the reports and data required under this  
 18          section, as well as a summary of the reports and  
 19          data, for each fiscal year. The Commissioner  
 20          shall submit the report to the Committee on Edu-  
 21          cation and the Workforce of the House of Rep-  
 22          resentatives, the Committee on Appropriations of  
 23          the House of Representatives, the Committee on  
 24          Health, Education, Labor, and Pensions of the  
 25          Senate, and the Committee on Appropriations of

the Senate, not later than 90 days after the end  
of the fiscal year involved.”;

(8) in paragraph (11)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by  
striking “WORKFORCE INVESTMENT SYS-  
TEMS” and inserting “WORKFORCE DEVEL-  
OPMENT SYSTEMS”;

(ii) in the matter preceding clause (i),  
by striking “workforce investment system”  
and inserting “workforce development sys-  
tem”;

(iii) in clause (i)(II), by inserting  
“(including programmatic accessibility and  
physical accessibility)” after “program ac-  
cessibility”;

(iv) in clause (ii), by striking “work-  
force investment system” and inserting  
“workforce development system”; and

(v) in clause (v), by striking “work-  
force investment system” and inserting  
“workforce development system”;

(B) in subparagraph (B), by striking  
“workforce investment system” and inserting  
“workforce development system”;

1           (C) in subparagraph (C)—

2               (i) by inserting “the State programs  
3               carried out under section 4 of the Assistive  
4               Technology Act of 1998 (29 U.S.C. 3003),”  
5               after “including”;

6               (ii) by inserting “, noneducational  
7               agencies serving out-of-school youth,” after  
8               “Agriculture”; and

9               (iii) by striking “such agencies and  
10              programs” and inserting “such Federal,  
11              State, and local agencies and programs”;  
12              and

13              (iv) by striking “workforce investment  
14              system” and inserting “workforce develop-  
15              ment system”;

16           (D) in subparagraph (D)—

17               (i) in clause (ii), by striking “comple-  
18               tion” and inserting “implementation”;

19               (ii) by redesignating clauses (iii) and  
20               (iv) as clauses (iv) and (v), respectively;  
21               and

22               (iii) by inserting after clause (ii) the  
23               following:

24                   “(iii) identifying options for addi-  
25                   tional education and training, in order to

1           *facilitate the provision of transition services*  
 2           *for youth with disabilities and students*  
 3           *with disabilities, such as services provided*  
 4           *under section 114.”;*

5           *(E) by redesignating subparagraphs (E)*  
 6           *and (F) as subparagraphs (F) and (H), respec-*  
 7           *tively;*

8           *(F) by inserting after subparagraph (D) the*  
 9           *following:*

10           “(E) *COORDINATION WITH EMPLOYERS.—*  
 11           *The State plan shall contain plans, policies, and*  
 12           *procedures for coordination between the des-*  
 13           *ignated State unit and employers that build re-*  
 14           *lationships with employers and identify commu-*  
 15           *nity-based competitive integrated employment*  
 16           *opportunities and career exploration opportuni-*  
 17           *ties—*

18                   “(i) *in order to facilitate the provision*  
 19                   *of vocational rehabilitation services for in-*  
 20                   *dividuals with disabilities; and*

21                   “(ii) *in order to facilitate the provision*  
 22                   *of transition services for youth with disabil-*  
 23                   *ities and students with disabilities, such as*  
 24                   *services provided under section 114.”;*

1           (G) in subparagraph (F), as redesignated  
 2           by subparagraph (E) of this paragraph—

3           (i) by inserting “chapter 1 of” after  
 4           “part C of”; and

5           (ii) by inserting “, as appropriate” be-  
 6           fore the period;

7           (H) by inserting after subparagraph (F), as  
 8           redesignated by subparagraph (E) of this para-  
 9           graph, the following:

10           “(G) COOPERATIVE AGREEMENT REGARDING  
 11           INDIVIDUALS ELIGIBLE FOR HOME AND COMMU-  
 12           NITY-BASED WAIVER PROGRAMS.—The State plan  
 13           shall include an assurance that the designated  
 14           State unit has entered into a formal cooperative  
 15           agreement with the State agency responsible for  
 16           administering the State Medicaid plan under  
 17           title XIX of the Social Security Act (42 U.S.C.  
 18           1396 et seq.) and the State agency with primary  
 19           responsibility for providing services and sup-  
 20           ports for individuals with intellectual disabilities  
 21           and individuals with developmental disabilities,  
 22           with respect to the delivery of vocational reha-  
 23           bilitation services, including extended services,  
 24           for individuals with the most significant disabili-  
 25           ties who have been determined to be eligible for

1        *home and community-based services under a*  
 2        *Medicaid waiver, Medicaid State plan amend-*  
 3        *ment, or other authority related to a State Med-*  
 4        *icaid program.”;*

5                *(I) in subparagraph (H), as redesignated by*  
 6        *subparagraph (E) of this paragraph—*

7                        *(i) in clause (ii)—*

8                                *(I) by inserting “on or” before*  
 9                                *“near”; and*

10                                *(II) by striking “and” at the end;*

11                                *(ii) by redesignating clause (iii) as*  
 12        *clause (iv); and*

13                                *(iii) by inserting after clause (ii) the*  
 14        *following:*

15                                *“(iii) strategies for the provision of*  
 16        *transition planning, by personnel of the*  
 17        *designated State unit, the State educational*  
 18        *agency, and the recipient of funds under*  
 19        *part C, that will facilitate the development*  
 20        *and implementation of the individualized*  
 21        *education programs under section 614(d) of*  
 22        *the Individuals with Disabilities Education*  
 23        *Act (20 U.S.C. 1414(d)) and, as appro-*  
 24        *priate, the development and completion of*  
 25        *the individualized plans for employment*

1           under section 102, in order to enable stu-  
2           dents with disabilities to achieve postschool  
3           employment outcomes; and”; and

4           (J) by adding at the end the following:

5           “(I) COORDINATION WITH ASSISTIVE TECH-  
6           NOLOGY PROGRAMS.—The State plan shall in-  
7           clude an assurance that the designated State  
8           unit, and the lead agency and implementing en-  
9           tity (if any) designated by the Governor of the  
10          State under section 4 of the Assistive Technology  
11          Act of 1998 (29 U.S.C. 3003), have developed  
12          working relationships and will enter into agree-  
13          ments for the coordination of their activities, in-  
14          cluding the referral of individuals with disabil-  
15          ities to programs and activities described in that  
16          section.

17          “(J) COORDINATION WITH TICKET TO WORK  
18          AND SELF-SUFFICIENCY PROGRAM.—The State  
19          plan shall include an assurance that the des-  
20          ignated State unit will coordinate activities with  
21          any other State agency that is functioning as an  
22          employment network under the Ticket to Work  
23          and Self-Sufficiency Program established under  
24          section 1148 of the Social Security Act (42  
25          U.S.C. 1320b–19).



1           “(K) *INTERAGENCY AGREEMENTS WITH*  
2           *STATE MEDICAID, DEVELOPMENTAL DISABIL-*  
3           *ITIES, AND MENTAL HEALTH AGENCIES.—*

4                   “(i) *AGREEMENTS.—The State plan*  
5                   *shall provide that the Governor, in collabo-*  
6                   *ration with the designated State agency or*  
7                   *agencies (if more than 1 agency is des-*  
8                   *ignated under paragraph (2)(A)), shall de-*  
9                   *velop agreements with covered State agen-*  
10                   *cies for developing a system for supporting*  
11                   *community-based employment in integrated*  
12                   *settings, to the greatest extent practicable.*

13                   “(ii) *PROVISIONS.—The State plan*  
14                   *shall provide that an agreement developed*  
15                   *under clause (i) shall include the compo-*  
16                   *nents described in clauses (i) through (iv) of*  
17                   *section 101(a)(8)(B) with respect to services*  
18                   *provided through the system (except that,*  
19                   *instead of applying to a public entity, the*  
20                   *clauses shall apply to each covered State*  
21                   *agency). Additional provisions of the agree-*  
22                   *ment shall include a description of how the*  
23                   *covered State agencies will work together to*  
24                   *increase community-based employment op-*  
25                   *portunities in integrated settings.*

1           “(iii) *DEFINITION.—In this subpara-*  
 2           *graph, the term ‘covered State agency’*  
 3           *means the State agency that is responsible*  
 4           *for administering the State Medicaid plan*  
 5           *under title XIX of the Social Security Act*  
 6           *(42 U.S.C. 1396 et seq.), the State agency*  
 7           *that is responsible for providing services for*  
 8           *individuals with developmental disabilities,*  
 9           *and the State agency that is responsible for*  
 10           *providing mental health services.”;*

11           (9) *in paragraph (14)—*

12                 (A) *in the paragraph header, by striking*  
 13                 *“ANNUAL” and inserting “SEMIANNUAL”;*

14                 (B) *in subparagraph (A)—*

15                     (i) *by striking “annual” and inserting*  
 16                     *“semiannual”;*

17                     (ii) *by striking “(and thereafter” and*  
 18                     *all that follows through “representative)”*  
 19                     *and inserting “, and annually thereafter”;*  
 20                     *and*

21                     (iii) *by striking “to competitive” and*  
 22                     *all that follows and inserting the following:*  
 23                     *“to competitive integrated employment or*  
 24                     *training for competitive integrated employ-*  
 25                     *ment;”;*

1           (C) in subparagraph (B), by striking “and”  
2           at the end;

3           (D) in subparagraph (C), by striking “the  
4           individuals described” and all that follows and  
5           inserting “individuals in attaining competitive  
6           integrated employment; and”; and

7           (E) by adding at the end the following:

8           “(D) an assurance that the State will report  
9           the information generated under subparagraphs  
10          (A), (B), and (C), for each of the individuals, to  
11          the Administrator of the Wage and Hour Divi-  
12          sion of the Department of Labor for each fiscal  
13          year, not later than 60 days after the end of the  
14          fiscal year.”;

15          (10) in paragraph (15)—

16           (A) in subparagraph (A)—

17           (i) in clause (i)—

18           (I) in subclause (II), by striking

19           “and” at the end;

20           (II) in subclause (III)—

21           (aa) by striking “workforce  
22           investment system” and inserting  
23           “workforce development system”;  
24           and

1                   (bb) by adding “and” at the  
2                   end; and

3                   (III) by adding at the end the fol-  
4                   lowing:

5                   “(IV) youth with disabilities, and  
6                   students with disabilities, including  
7                   their need for pre-employment transi-  
8                   tion services described in section 114  
9                   or other transition services; and”; and  
10                  (ii) by striking clauses (ii) and (iii)  
11                  and inserting the following:

12                  “(ii) include an assessment of the needs  
13                  of individuals with disabilities for transi-  
14                  tion services and pre-employment transition  
15                  services provided under this Act, and co-  
16                  ordinated with transition services provided  
17                  under the Individuals with Disabilities  
18                  Education Act (20 U.S.C. 1400 et seq.), and  
19                  an assessment as to whether the transition  
20                  and pre-employment transition services pro-  
21                  vided under those Acts meet the needs of in-  
22                  dividuals with disabilities.”;

23                  (B) in subparagraph (B)—

24                   (i) in clause (ii), by striking “and” at  
25                   the end;

1                   (ii) by redesignating clause (iii) as  
2                   clause (iv); and

3                   (iii) by inserting after clause (ii) the  
4                   following:

5                   “(iii) the number of individuals who  
6                   are eligible for services under this title, but  
7                   are not receiving such services due to an  
8                   order of selection; and”; and  
9                   (C) in subparagraph (D)—

10                  (i) by redesignating clauses (iii)  
11                  through (v) as clauses (iv) through (vi), re-  
12                  spectively;

13                  (ii) by inserting after clause (ii) the  
14                  following:

15                  “(iii) the methods to be used to im-  
16                  prove and expand vocational rehabilitation  
17                  services for students with disabilities, in-  
18                  cluding the coordination of services designed  
19                  to facilitate the transition of such students  
20                  from the receipt of educational services in  
21                  school to postsecondary life (including the  
22                  receipt of vocational rehabilitation services  
23                  under this title, postsecondary education,  
24                  employment, and pre-employment transi-  
25                  tion services under section 114);”; and

(iii) in clause (vi), as redesignated by clause (i) of this subparagraph, by striking “workforce investment system” and inserting “workforce development system”;

(11) in paragraph (20)—

(A) in subparagraphs (A) and (B)(i), by striking “workforce investment system” and inserting “workforce development system”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State unit will make available, to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

“(i) information on the availability of benefits and medical assistance authorized under the State Medicaid program under title XIX of the Social Security Act (42

1           *U.S.C. 1396 et seq.) or under the Medicare*  
2           *program under title XVIII of the Social Se-*  
3           *curity Act (42 U.S.C. 1395 et seq.), and*  
4           *medical assistance authorized under other*  
5           *federally funded programs;*

6           “(ii) *information on the availability of*  
7           *assistance through benefits planning and*  
8           *assistance programs authorized under sec-*  
9           *tion 1149 of the Social Security Act (42*  
10           *U.S.C. 1320b–20) and services provided by*  
11           *the State protection and advocacy system*  
12           *and authorized under section 1150 of the*  
13           *Social Security Act (42 U.S.C. 1320b–21);*  
14           *and*

15           “(iii) *in the case of individuals who*  
16           *are also eligible for a ticket under the Ticket*  
17           *to Work and Self-Sufficiency Program es-*  
18           *tablished under section 1148 of the Social*  
19           *Security Act (42 U.S.C. 1320b–19), general*  
20           *information regarding the options for using*  
21           *the ticket and information on how to con-*  
22           *tact a program manager of the Ticket to*  
23           *Work and Self-Sufficiency Program to ob-*  
24           *tain information on approved employment*  
25           *networks, on providers for the benefits plan-*

1            *ning and assistance programs described in*  
 2            *clause (ii) in the State, and on the services*  
 3            *provided by the State protection and advo-*  
 4            *cacy system and described in clause (ii).”;*  
 5            *and*

6            *(12) by adding at the end the following:*

7            *“(25) SERVICES FOR STUDENTS WITH DISABIL-*  
 8            *ITIES.—The State plan shall provide an assurance*  
 9            *that, with respect to students with disabilities, the*  
 10           *State—*

11           *“(A) has developed and will implement—*

12           *“(i) strategies to address the needs*  
 13           *identified in the assessments described in*  
 14           *paragraph (15);*

15           *“(ii) strategies to achieve the goals and*  
 16           *priorities identified by the State, in accord-*  
 17           *ance with paragraph (15), to improve and*  
 18           *expand vocational rehabilitation services for*  
 19           *students with disabilities on a statewide*  
 20           *basis; and*

21           *“(B) has developed and will implement*  
 22           *strategies to carry out the provision of pre-em-*  
 23           *ployment transition services in accordance with*  
 24           *section 114.*



1           “(26) *JOB GROWTH AND DEVELOPMENT.*—*The*  
 2           *State plan shall provide an assurance describing how*  
 3           *the State will utilize initiatives involving in-demand*  
 4           *industry sectors or occupations under sections 116(c)*  
 5           *and 118 of the Workforce Investment Act of 2013 to*  
 6           *increase competitive integrated employment opportu-*  
 7           *nities for individuals with disabilities.”.*

8           **(b) APPROVAL.**—*Section 101(b) (29 U.S.C. 721(b)) is*  
 9           *amended to read as follows:*

10          “(b) *SUBMISSION; APPROVAL; MODIFICATION.*—*The*  
 11          *State plan for vocational rehabilitation services shall be*  
 12          *subject to—*

13               “(1) *subsection (c) of section 112 of the Work-*  
 14               *force Investment Act of 2013, in a case in which that*  
 15               *plan is a portion of the unified State plan described*  
 16               *in that section 112; and*

17               “(2) *subsection (b), and paragraphs (1), (2), and*  
 18               *(3) of subsection (c), of section 113 of such Act in a*  
 19               *case in which that State plan for vocational rehabili-*  
 20               *tation services is a portion of the combined State*  
 21               *plan described in that section 113.”.*

22          **(c) CONSTRUCTION.**—*Section 101 (29 U.S.C. 721) is*  
 23          *amended by adding at the end the following:*

24               “(c) *CONSTRUCTION.*—*Nothing in this part shall be*  
 25               *construed to reduce the obligation of a local educational*

1 agency or any other agency to provide or pay for any tran-  
 2 sition services that are also considered special education or  
 3 related services and that are necessary for ensuring a free  
 4 appropriate public education to children with disabilities  
 5 within the State involved.”.

6 **SEC. 513. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**  
 7 **PLOYMENT.**

8 (a) *ELIGIBILITY.*—Section 102(a) (29 U.S.C. 722(a))  
 9 is amended—

10 (1) in paragraph (1)(B), by striking “regain em-  
 11 ployment” and inserting “regain employment, includ-  
 12 ing accomplishing career advancement, in employ-  
 13 ment that is consistent with the individual’s  
 14 strengths, resources, priorities, concerns, abilities, ca-  
 15 pabilities, and informed choice”;

16 (2) in paragraph (2)—

17 (A) in subparagraph (A)—

18 (i) in the subparagraph header, by  
 19 striking “*DEMONSTRATION*” and inserting  
 20 “*APPLICANTS*”; and

21 (ii) by striking “, unless” and all that  
 22 follows and inserting a period; and

23 (B) in subparagraph (B)—

1           (i) in the subparagraph header, by  
 2 striking “METHODS” and inserting “RE-  
 3 SPONSIBILITIES”;

4           (ii) in the first sentence—

5           (I) by striking “In making the  
 6 demonstration required under subpara-  
 7 graph (A),” and inserting “Prior to  
 8 determining under this subsection that  
 9 an applicant described in subpara-  
 10 graph (A) is unable to benefit due to  
 11 the severity of the individual’s dis-  
 12 ability or that the individual is ineli-  
 13 gible for vocational rehabilitation serv-  
 14 ices,”; and

15           (II) by striking “, except under”  
 16 and all that follows and inserting a pe-  
 17 riod; and

18           (iii) in the second sentence, by striking  
 19 “individual or to determine” and all that  
 20 follows and inserting “individual. In pro-  
 21 viding the trial experiences, the designated  
 22 State unit shall provide the individual with  
 23 the opportunity to try different employment  
 24 experiences, including supported employ-  
 25 ment, and the opportunity to become em-

1                    *ployed in competitive integrated employ-*  
 2                    *ment.”;*

3                    *(3) in paragraph (3)(A)(ii), by striking “out-*  
 4                    *come from” and all that follows and inserting “out-*  
 5                    *come, including supported employment, from voca-*  
 6                    *tional rehabilitation services due to the current (as of*  
 7                    *the date of the determination) severity of the dis-*  
 8                    *ability of the individual.”; and*

9                    *(4) in paragraph (5)—*

10                    *(A) in the matter preceding subparagraph*  
 11                    *(A)—*

12                    *(i) by striking “If an individual” and*  
 13                    *inserting “If, after the designated State unit*  
 14                    *carries out the activities described in para-*  
 15                    *graph (2)(B), a review of existing data,*  
 16                    *and, to the extent necessary, the assessment*  
 17                    *activities described in section 7(2)(A)(ii),*  
 18                    *an individual”; and*

19                    *(ii) by striking “is determined” and*  
 20                    *all that follows through “not to be” and in-*  
 21                    *serting “is determined not to be”;*

22                    *(B) by redesignating subparagraphs (A)*  
 23                    *through (D) as subparagraphs (B) through (E),*  
 24                    *respectively;*

1           (C) by inserting before subparagraph (B),  
 2           as redesignated by subparagraph (B) of this  
 3           paragraph, the following:

4           “(A) the ineligibility determination shall be  
 5           an individualized one, based on the available  
 6           data, and shall not be based on assumptions  
 7           about broad categories of disabilities;” and

8           (D) in clause (i) of subparagraph (C), as  
 9           redesignated by subparagraph (B) of this para-  
 10          graph, by inserting after “determination” the  
 11          following: “, including clear and convincing evi-  
 12          dence that forms the basis for the determination  
 13          of ineligibility”.

14          (b) *DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR*  
 15          *EMPLOYMENT, AND RELATED INFORMATION.*—Section  
 16          102(b) (29 U.S.C. 722(b)) is amended—

17           (1) in paragraph (1)—

18           (A) in subparagraph (A), by striking “, to  
 19           the extent determined to be appropriate by the  
 20           eligible individual,”;

21           (B) by redesignating subparagraphs (B),  
 22           (C), and (D) as subparagraphs (C), and (D),  
 23           and (E), respectively; and

24           (C) by inserting after subparagraph (A) the  
 25           following:

1           “(B) information on the availability of as-  
 2           sistance from consumer organizations, as defined  
 3           in section 106(a)(4) (including a listing of such  
 4           organizations) that can assist an individual in  
 5           the development of an individualized plan for  
 6           employment, in order to ensure that the plan re-  
 7           flects the informed and effective choices of the in-  
 8           dividual;”;

9           (2) by redesignating paragraphs (2) and (3) as  
 10          paragraphs (3) and (4), respectively;

11          (3) by inserting after paragraph (1) the fol-  
 12          lowing:

13           “(2) *INDIVIDUALS ENTITLED TO BENEFITS*  
 14          *UNDER THE SOCIAL SECURITY ACT.*—For an indi-  
 15          vidual entitled to benefits under title II or XVI of the  
 16          Social Security Act (42 U.S.C. 401 et seq., 1381 et  
 17          seq.) on the basis of a disability or blindness, the des-  
 18          ignated State unit shall provide to the individual—

19           “(A) general information on the availability  
 20          of benefits and medical assistance authorized  
 21          under the State Medicaid program under title  
 22          XIX of the Social Security Act (42 U.S.C. 1396  
 23          et seq.) or under the Medicare program under  
 24          title XVIII of the Social Security Act (42 U.S.C.

1       1395 *et seq.*), and medical assistance authorized  
2       under other federally funded programs;

3               “(B) general information on the avail-  
4       ability of assistance through benefits planning  
5       and assistance programs authorized under sec-  
6       tion 1149 of the Social Security Act (42 U.S.C.  
7       1320b–20) and services provided by the State  
8       protection and advocacy system and authorized  
9       under section 1150 of the Social Security Act (42  
10      U.S.C. 1320b–21); and

11              “(C) in the case of individuals who are also  
12      eligible for a ticket under the Ticket to Work and  
13      Self-Sufficiency Program established under sec-  
14      tion 1148 of the Social Security Act (42 U.S.C.  
15      1320b–19), general information regarding the  
16      options for using the ticket and information on  
17      how to contact a program manager of the Ticket  
18      to Work and Self-Sufficiency Program to obtain  
19      information on approved employment networks,  
20      on providers for the benefits planning and assist-  
21      ance programs described in subparagraph (B) in  
22      the State, and on the services provided by the  
23      State protection and advocacy system and de-  
24      scribed in subparagraph (B).”;

1           (4) in paragraph (3), as redesignated by para-  
2 graph (2) of this subsection—

3           (A) in subparagraph (E)—

4                 (i) in clause (i), by striking “and” at  
5 the end;

6                 (ii) in clause (ii), by striking the pe-  
7 riod and inserting “; and”; and

8                 (iii) by adding at the end the fol-  
9 lowing:

10                   “(iii) amended, as necessary, to in-  
11 clude the postemployment services and serv-  
12 ice providers that are necessary for the indi-  
13 vidual to maintain or regain employment,  
14 consistent with the individual’s strengths,  
15 resources, priorities, concerns, abilities, ca-  
16 pabilities, interests, and informed choice.”;  
17 and

18           (B) by adding at the end the following:

19                   “(F) *TIMEFRAME FOR COMPLETING THE IN-*  
20 *DIVIDUALIZED PLAN FOR EMPLOYMENT.*—*The in-*  
21 *dividualized plan for employment shall be devel-*  
22 *oped as soon as possible, but not later than a*  
23 *deadline of 90 days after the date of the deter-*  
24 *mination of eligibility described in paragraph*  
25 *(1), unless the designated State unit and the eli-*



gible individual agree to an extension of that deadline to a specific date by which the individualized plan for employment shall be completed.

“(G) *FAILURE TO DEVELOP THE INDIVIDUALIZED PLAN FOR EMPLOYMENT WITHIN THE SPECIFIED TIMEFRAME.*—In the event the individualized plan for employment is not completed by the deadline or extended deadline, as appropriate, under subparagraph (F), the eligible individual shall have the right to request the procedures described in subsection (c). If the eligible individual requests a hearing, the hearing officer shall have the authority to order the designated State unit to complete the individualized plan for employment within a reasonable period of time.”; and

(5) in paragraph (4), as redesignated by paragraph (2) of this subsection—

(A) in subparagraph (A)—

(i) by inserting “in competitive integrated employment” after “outcome”; and

(ii) by striking “choice of the” and all that follows and inserting “choice of the eligible individual, consistent with the general goal of competitive integrated employment

1 *(except that in the case of an eligible indi-*  
 2 *vidual who is a student, the description*  
 3 *may be a description of the student's pro-*  
 4 *jected postschool employment outcome);”;*

5 *(B) in subparagraph (B)(i)—*

6 *(i) by redesignating subclause (II) as*  
 7 *subclause (III); and*

8 *(ii) by striking subclause (I) and in-*  
 9 *serting the following:*

10 *“(I) needed to achieve the employment*  
 11 *outcome, including, as appropriate—*

12 *“(aa) the provision of assistive*  
 13 *technology devices and assistive tech-*  
 14 *nology services (including referrals de-*  
 15 *scribed in section 103(a)(3) to the de-*  
 16 *vice reutilization programs and dem-*  
 17 *onstrations described in subparagraphs*  
 18 *(B) and (D) of section 4(e)(2) of the*  
 19 *Assistive Technology Act of 1998 (29*  
 20 *U.S.C. 3003(e)(2)) through agreements*  
 21 *developed under section 101(a)(11)(H);*

22 *“(bb) mentoring services; and*

23 *“(cc) personal assistance services*  
 24 *(including training in the management*  
 25 *of such services);*

1           “(II) in the case of a plan for an eligi-  
 2           ble individual that is a student, the specific  
 3           transition services and supports (including  
 4           work experience, mentoring activities, and  
 5           supported employment) needed to achieve  
 6           the student’s employment outcome or pro-  
 7           jected postschool employment outcome;  
 8           and”;

9           (C) in subparagraph (F), by striking “and”  
 10          at the end;

11          (D) in subparagraph (G), by striking the  
 12          period and inserting “; and”; and

13          (E) by adding at the end the following:

14               “(H) for an individual who also is receiv-  
 15               ing assistance from an employment network  
 16               under the Ticket to Work and Self-Sufficiency  
 17               Program established under section 1148 of the  
 18               Social Security Act (42 U.S.C. 1320b–19), a list  
 19               of the services that are listed in the individual  
 20               work plan that the individual developed with the  
 21               employment network under subsection (g) of that  
 22               section, and a description of how responsibility  
 23               for service delivery will be divided between the  
 24               employment network and the designated State  
 25               unit.”.

1       (c) *PROCEDURES*.—Section 102(c) (29 U.S.C. 722(c))  
 2   is amended—

3           (1) in paragraph (1), by adding at the end the  
 4   following: “The procedures shall allow an applicant  
 5   or an eligible individual or, as appropriate, the ap-  
 6   plicant’s representative or individual’s representative,  
 7   the opportunity to request mediation, an impartial  
 8   due process hearing, or both procedures.”;

9           (2) in paragraph (2)—

10          (A) in subparagraph (A)—

11           (i) in clause (ii), by striking “and” at  
 12   the end;

13           (ii) in clause (iii), by striking the pe-  
 14   riod and inserting “; and”; and

15           (iii) by adding at the end the fol-  
 16   lowing:

17           “(iv) any applicable State limit on the  
 18   time by which a request for mediation  
 19   under paragraph (4) or a hearing under  
 20   paragraph (5) shall be made, and any re-  
 21   quired procedure by which the request shall  
 22   be made.”; and

23          (B) in subparagraph (B)(iii), by inserting  
 24   “the denial,” before “reduction,”; and

25          (3) in paragraph (5)—

1           (A) by striking subparagraph (A) and in-  
2           serting the following:

3           “(A) *OFFICER.*—A due process hearing de-  
4           scribed in paragraph (2) shall be conducted by  
5           an impartial hearing officer who, on reviewing  
6           the evidence presented, shall issue a written deci-  
7           sion based on the provisions of the approved  
8           State plan, requirements specified in this Act  
9           (including regulations implementing this Act),  
10          and State regulations and policies that are con-  
11          sistent with the Federal requirements specified in  
12          this title. The officer shall provide the written de-  
13          cision to the applicant or eligible individual, or,  
14          as appropriate, the applicant’s representative or  
15          individual’s representative, and to the designated  
16          State unit. The impartial hearing officer shall  
17          have the authority to render a decision and re-  
18          quire actions, consistent with the requirements  
19          specified in this title (including regulations im-  
20          plementing this title), regarding all aspects of  
21          the applicant’s or eligible individual’s vocational  
22          rehabilitation services under this title.”; and

23          (B) in subparagraph (B), by striking “in  
24          laws (including regulations)” and inserting

1           *“about Federal and State laws (including regu-*  
 2           *lations) and the approved State plan”.*

3   **SEC. 514. VOCATIONAL REHABILITATION SERVICES.**

4       *Section 103 (29 U.S.C. 723) is amended—*

5           *(1) in subsection (a)—*

6               *(A) in paragraph (13), by striking “work-*  
 7               *force investment system” and inserting “work-*  
 8               *force development system”;*

9               *(B) by striking paragraph (15) and insert-*  
 10              *ing the following:*

11              *“(15) transition services for students with dis-*  
 12              *abilities, that facilitate the transition from school to*  
 13              *postsecondary life, such as achievement of an employ-*  
 14              *ment outcome in competitive integrated employment,*  
 15              *or pre-employment transition services described in*  
 16              *section 114;”;*

17              *(C) by redesignating paragraphs (17) and*  
 18              *(18) as paragraphs (18) and (19), respectively;*

19              *(D) by inserting after paragraph (16) the*  
 20              *following:*

21              *“(17) customized employment;”;*

22              *(E) in paragraph (18), as redesignated by*  
 23              *subparagraph (C) of this paragraph, by striking*  
 24              *“and” at the end;*

1           (F) in paragraph (19), as redesignated by  
2           subparagraph (C) of this paragraph, by striking  
3           the period and inserting “; and”; and

4           (G) by adding at the end the following:  
5           “(20) mentoring services.”; and  
6           (2) in subsection (b)—

7           (A) in paragraph (2)(A), by striking the  
8           second sentence and inserting “Such programs  
9           shall be used to provide services described in this  
10          section that promote integration into the commu-  
11          nity and that result in competitive integrated  
12          employment, including supported employment  
13          and customized employment, for applicants or  
14          eligible individuals with disabilities.”;

15          (B) by striking paragraph (2)(B) and in-  
16          serting the following:

17          “(B) The establishment, development, or im-  
18          provement of a facility for a community reha-  
19          bilitation program, or the construction of such a  
20          facility, which shall be limited to that necessary  
21          for the expansion or improvement of services de-  
22          scribed in this section for applicants or eligible  
23          individuals with disabilities.”;

24          (C) by striking paragraph (5) and inserting  
25          the following:

1           “(5) *Technical assistance to businesses that are*  
 2           *seeking to employ individuals with disabilities.*”; and

3                       *(D) by striking paragraph (6) and insert-*  
 4           *ing the following:*

5           “(6) *Consultation and technical assistance serv-*  
 6           *ices to assist State educational agencies and local*  
 7           *educational agencies in planning for the transition of*  
 8           *students with disabilities from school to postsecondary*  
 9           *life, including employment.*

10           “(7) *Transition services to youth with disabil-*  
 11           *ities and students with disabilities, for which a voca-*  
 12           *tional rehabilitation counselor works in concert with*  
 13           *educational agencies, providers of job training pro-*  
 14           *grams, providers of services under the Medicaid pro-*  
 15           *gram under title XIX of the Social Security Act (42*  
 16           *U.S.C. 1396 et seq.), entities designated by the State*  
 17           *to provide services for individuals with developmental*  
 18           *disabilities, centers for independent living (as defined*  
 19           *in section 702), housing and transportation authori-*  
 20           *ties, workforce development systems, and businesses*  
 21           *and employers.”.*

22   **SEC. 515. STATE REHABILITATION COUNCIL.**

23           *Section 105 (29 U.S.C. 725) is amended—*

24                       *(1) in subsection (b)(1)—*

25                               *(A) in subparagraph (A)—*



1                   *(i) by striking clause (ix) and insert-*  
 2                   *ing the following:*

3                   *“(ix) in a State in which one or more*  
 4                   *projects are funded under section 121 and*  
 5                   *in which such services are provided through*  
 6                   *those projects, at least one representative of*  
 7                   *the directors of the projects located in such*  
 8                   *State;”;*

9                   *(ii) in clause (x), by striking “and” at*  
 10                  *the end;*

11                  *(iii) in clause (xi)—*

12                   *(I) by striking “State workforce*  
 13                   *investment board” and inserting*  
 14                   *“State workforce development board”;*  
 15                   *and*

16                   *(II) by striking the period and in-*  
 17                   *serting “; and”; and*

18                   *(iv) by adding at the end the following:*

19                   *“(xii) the director of the State’s com-*  
 20                   *prehensive statewide program of technology-*  
 21                   *related assistance funded under section 4 of*  
 22                   *the Assistive Technology Act of 1998 (29*  
 23                   *U.S.C. 3003).”; and*

24                   *(B) in subparagraph (B)—*

1                   (i) in clause (xi), by striking “and” at  
2                   the end;

3                   (ii) in clause (xii), by striking the pe-  
4                   riod and inserting “; and”; and

5                   (iii) by adding at the end the fol-  
6                   lowing:

7                   “(xiii) the director of the State’s com-  
8                   prehensive statewide program of technology-  
9                   related assistance funded under section 4 of  
10                  the Assistive Technology Act of 1998 (29  
11                  U.S.C. 3003).”; and

12               (2) in subsection (c)—

13               (A) in the matter preceding paragraph (1),  
14               by striking “State workforce investment board”  
15               and inserting “State workforce development  
16               board”; and

17               (B) in paragraph (6), by striking “Service  
18               Act” and all that follows and inserting “Service  
19               Act (42 U.S.C. 300x–3(a)) and the State work-  
20               force development board, and with the activities  
21               of entities carrying out programs under the As-  
22               sistive Technology Act of 1998 (29 U.S.C. 3001  
23               et seq.);”.

1 **SEC. 516. EVALUATION STANDARDS AND PERFORMANCE IN-**  
2 **DICATORS.**

3 *Section 106 (29 U.S.C. 726) is amended by striking*  
4 *subsection (a) and inserting the following:*

5 “(a) *IN GENERAL.*—

6 “(1) *STANDARDS AND INDICATORS.*—*The evalua-*  
7 *tion standards and performance indicators for the vo-*  
8 *cational rehabilitation program carried out under*  
9 *this title shall be subject to the performance account-*  
10 *ability provisions described in section 131(b) of the*  
11 *Workforce Investment Act of 2013.*

12 “(2) *ADDITIONAL PERFORMANCE ACCOUNT-*  
13 *ABILITY INDICATORS.*—

14 “(A) *IN GENERAL.*—*Subject to subpara-*  
15 *graph (B), the Commissioner may establish ad-*  
16 *ditional performance accountability indicators,*  
17 *which may include outcome and related meas-*  
18 *ures of program performance.*

19 “(B) *COMMENT.*—*Such additional perform-*  
20 *ance accountability indicators shall be developed*  
21 *with input from State vocational rehabilitation*  
22 *agencies, related professional and consumer orga-*  
23 *nizations, recipients of vocational rehabilitation*  
24 *services, and other interested parties. The Com-*  
25 *missioner shall publish in the Federal Register a*  
26 *notice of intent to regulate regarding the develop-*

1        *ment of proposed additional performance ac-*  
 2        *countability indicators. Proposed additional per-*  
 3        *formance accountability indicators shall be pub-*  
 4        *lished in the Federal Register for review and*  
 5        *comment. Final additional performance account-*  
 6        *ability indicators shall be published in the Fed-*  
 7        *eral Register.*

8        “(3) *REPORTS.*—*Each State that receives funds*  
 9        *under this title shall submit a report to the Commis-*  
 10        *sioner containing information on any additional per-*  
 11        *formance accountability indicators established under*  
 12        *paragraph (2).*

13        “(4) *CONSUMER ORGANIZATION.*—*In this sub-*  
 14        *section, the term ‘consumer organization’ means a*  
 15        *membership organization, or disability advocacy*  
 16        *group, for which a majority of the members of the*  
 17        *board of directors of the organization or group are in-*  
 18        *dividuals with disabilities or family members of indi-*  
 19        *viduals with disabilities.”.*

20    **SEC. 517. MONITORING AND REVIEW.**

21        (a) *IN GENERAL.*—*Section 107(a) (29 U.S.C. 727(a))*  
 22        *is amended—*

23            (1) *in paragraph (3)(E), by inserting before the*  
 24            *period the following: “, including personnel of a client*  
 25            *assistance program under section 112, and past or*

1 *current recipients of vocational rehabilitation serv-*  
2 *ices”; and*

3 *(2) in paragraph (4)—*

4 *(A) by striking subparagraphs (A) and (B)*  
5 *and inserting the following:*

6 *“(A) the eligibility process, including the*  
7 *process related to the determination of ineligi-*  
8 *bility under section 102(a)(5);*

9 *“(B) the provision of services, including*  
10 *supported employment services, and pre-employ-*  
11 *ment transition services for students with dis-*  
12 *abilities and, if applicable, the order of selec-*  
13 *tion;”;*

14 *(B) in subparagraph (C), by striking “and”*  
15 *at the end;*

16 *(C) by redesignating subparagraph (D) as*  
17 *subparagraph (E); and*

18 *(D) by inserting after subparagraph (C) the*  
19 *following:*

20 *“(D) data on individuals determined to be*  
21 *ineligible for services due to severity of their dis-*  
22 *ability, to determine if systematic changes could*  
23 *result in increased capacity to meet the needs of*  
24 *such individuals; and”.*

1       (b) *REVIEW.*—Section 107(d) (29 U.S.C. 727(d)) is  
 2 amended, in paragraphs (1) and (2), by striking “a final  
 3 determination of the Commissioner under section 101(b) or  
 4 subsection (c)” and inserting “a final determination on a  
 5 State plan for vocational rehabilitation services under the  
 6 procedures referenced in section 101(b), or a final deter-  
 7 mination by the Commissioner under subsection (c)”.

8       **SEC. 518. TRAINING AND SERVICES FOR EMPLOYERS.**

9       Section 109 (29 U.S.C. 728a) is amended to read as  
 10 follows:

11       **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

12       “A State may expend payments received under section  
 13 111 to educate and provide services to employers who have  
 14 hired or are interested in hiring individuals with disabil-  
 15 ities under programs carried out under this title, includ-  
 16 ing—

17               “(1) providing training and technical assistance  
 18 to employers regarding the employment of individuals  
 19 with disabilities, including disability awareness, and  
 20 the requirements of the Americans with Disabilities  
 21 Act of 1990 (42 U.S.C. 12101 et seq.) and other em-  
 22 ployment-related laws;

23               “(2) working with employers to—

24                       “(A) provide opportunities for work-based  
 25 learning experience (including internships, short-

1           *term employment, apprenticeships, and fellow-*  
2           *ships), such as opportunities in conjunction with*  
3           *pre-employment transition services;*

4           *“(B) recruit qualified applicants with dis-*  
5           *abilities;*

6           *“(C) train employees with disabilities; and*

7           *“(D) promote retention of employees who*  
8           *are at risk of losing a job due to disability-re-*  
9           *lated barriers;*

10          *“(3) providing consultations, technical assist-*  
11          *ance, and support to employers on workplace accom-*  
12          *modations, assistive technology, and facilities and*  
13          *workplace access;*

14          *“(4) assisting employers with utilizing available*  
15          *financial support, including tax credits and deduc-*  
16          *tions available for hiring or accommodating individ-*  
17          *uals with disabilities; and*

18          *“(5) supporting the development of working rela-*  
19          *tionships between State vocational rehabilitation*  
20          *agencies, their community partners, and employers*  
21          *on multi-State and national levels, including—*

22                *“(A) encouraging employers to recruit*  
23                *qualified individuals with disabilities for avail-*  
24                *able employment opportunities;*

1           “(B) facilitating such recruitment by dis-  
2           seminating information about specific available  
3           employment opportunities to qualified individ-  
4           uals who are recipients of vocational rehabilita-  
5           tion services under this subtitle, or who are ap-  
6           plicants for such services;

7           “(C) matching qualified individuals who  
8           are recipients of vocational rehabilitation serv-  
9           ices under this subtitle, or who are applicants for  
10          such services, with employers that have available  
11          employment opportunities on the local, regional,  
12          or national level;

13          “(D) providing support services, as appro-  
14          priate, to employers to facilitate the hiring of  
15          qualified individuals who are recipients of voca-  
16          tional rehabilitation services under this subtitle,  
17          or who are applicants for such services;

18          “(E) providing services to employers for em-  
19          ployees who have disability-related barriers to  
20          continuing to perform their current job or who  
21          are at risk of losing a job due to disability-re-  
22          lated barriers; and

23          “(F) coordinating provision of services to  
24          employers.”.



1 **SEC. 519. STATE ALLOTMENTS.**

2       (a) *IN GENERAL.*—Section 110 (29 U.S.C. 730) is  
3 amended—

4           (1) in subsection (a)(1), by striking “Subject to  
5 the provisions of subsection (c)” and inserting “Sub-  
6 ject to the provisions of subsections (c), (d), and (e),”;  
7 and

8           (2) by striking subsection (c) and inserting the  
9 following:

10       “(c)(1) For fiscal year 2014 and each fiscal year there-  
11 after, the Commissioner shall reserve, from the funds appro-  
12 priated under section 100(b)(1) for the fiscal year involved,  
13 an amount that is not less than 1.23 percent and not more  
14 than 1.5 percent of those funds in order to carry out section  
15 121, except that the minimum percentage that may be so  
16 reserved shall increase by 0.01 percentage points for each  
17 succeeding fiscal year after fiscal year 2014.

18       “(2) Notwithstanding paragraph (1), there shall be no  
19 increase in the minimum percentage of funds reserved  
20 under paragraph (1) unless there is an equivalent increase  
21 in the funds appropriated under section 100(b)(1).”.

22       (b) *RESERVATION FOR PRE-EMPLOYMENT TRANSITION*  
23 *SERVICES.*—Section 110 (29 U.S.C. 730) is amended by  
24 adding at the end the following:

25       “(d)(1) From any State allotment under subsection (a)  
26 for a fiscal year, the State shall reserve not less than 15

1 percent of the allotted funds for the provision of transition  
 2 services to assist students with disabilities and youth with  
 3 disabilities in transitioning from education or training to  
 4 employment, which includes pre-employment transition  
 5 services under section 114.

6 “(2) From the funds reserved under paragraph (1), the  
 7 designated State unit shall not expend more than 5 percent  
 8 of the funds to pay for the administrative costs of providing  
 9 the transition services.

10 “(e) For fiscal year 2014 and each fiscal year there-  
 11 after, the Commissioner shall reserve, from the funds appro-  
 12 priated under section 100(b) for each fiscal year, \$5,000,000  
 13 to support the program described in section 303(c).”.

14 **SEC. 520. PAYMENTS TO STATES.**

15 Section 111(a)(2) (29 U.S.C. 731(a)(2)) is amended  
 16 by striking subparagraph (B) and inserting the following:

17 “(B) The amount otherwise payable to a State for a  
 18 fiscal year under this section shall be reduced by the amount  
 19 by which expenditures from non-Federal sources under the  
 20 State plan under this title for any previous fiscal year are  
 21 less than the total of such expenditures for the second fiscal  
 22 year preceding that previous fiscal year.”.

23 **SEC. 521. CLIENT ASSISTANCE PROGRAM.**

24 Section 112 (29 U.S.C. 732) is amended—

25 (1) in subsection (a)—

1                   (A) *in the first sentence—*

2                   (i) *by striking “grants to States” and*  
 3                   *inserting “grants to agencies designated*  
 4                   *under subsection (c) (referred to individ-*  
 5                   *ually in this section as a ‘designated CAP*  
 6                   *agency’)”;*

7                   (ii) *by inserting “including under sec-*  
 8                   *tions 114 and 511,” after “all available*  
 9                   *benefits under this Act,”; and*

10                  (iii) *by inserting “and eligibility”*  
 11                  *after “to ensure the protection of the*  
 12                  *rights”; and*

13                  (B) *in the second sentence, by striking “dis-*  
 14                  *abilities in the State” and inserting “disabilities*  
 15                  *in the State in which the program is located”;*

16                  (2) *in subsection (b), by striking the matter pre-*  
 17                  *ceding paragraph (1) and inserting “Neither an agen-*  
 18                  *cy within the State, nor the State, may receive pay-*  
 19                  *ments from an allotment under subsection (e) in any*  
 20                  *fiscal year unless the State has designated under sub-*  
 21                  *section (c) an agency that—”;*

22                  (3) *in subsection (c)—*

23                   (A) *in paragraph (2), by inserting “(as de-*  
 24                   *finied in section 106(a)(4))” after “consumer or-*  
 25                   *ganizations”; and*

1                   (B) in paragraph (3), by striking “agency  
2                   designated under this subsection” and inserting  
3                   “designated CAP agency”;

4                   (4) in subsection (d), by striking “agency des-  
5                   ignated under subsection (c) of this section” and in-  
6                   serting “designated CAP agency”;

7                   (5) in subsection (e)—

8                   (A) in paragraph (1)—

9                   (i) by striking subparagraph (A) and  
10                  inserting the following:

11               “(A) After reserving funds under subparagraphs (E)  
12               and (F), the Secretary shall allot the remainder of the sums  
13               appropriated for each fiscal year under this section among  
14               the designated CAP agencies within the States on the basis  
15               of relative population of each State, except that no such  
16               agency shall receive less than \$50,000.”;

17               (ii) in subparagraph (B), by inserting  
18               “the designated CAP agencies located in”  
19               before “American Samoa”; and

20               (iii) by striking subparagraph (D) and  
21               inserting the following:

22               “(D)(i) For any fiscal year for which the funds appro-  
23               priated for such fiscal year under subsection (h) exceed  
24               \$7,500,000, the minimum allotment under this subsection  
25               shall be \$100,000 for the designated CAP agencies located

1 *in States and \$45,000 for the designated CAP agencies lo-*  
2 *cated in territories.*

3       “(ii) *For any fiscal year for which the total amount*  
4 *appropriated under subsection (h) exceeds the total amount*  
5 *appropriated under such subsection (or the corresponding*  
6 *provision) for the preceding fiscal year, the Secretary shall*  
7 *increase each of the minimum allotments under clause (i)*  
8 *by a percentage that shall not exceed the percentage in-*  
9 *crease, calculated by dividing such total amount for the fis-*  
10 *cal year involved by such total amount for the preceding*  
11 *fiscal year.*

12       “(E)(i) *For any fiscal year for which the amount ap-*  
13 *propriated under subsection (h) equals or exceeds*  
14 *\$13,000,000, and for each subsequent fiscal year, the Sec-*  
15 *retary shall reserve funds appropriated under subsection (h)*  
16 *to make a grant to the protection and advocacy system serv-*  
17 *ing the American Indian Consortium, to provide designated*  
18 *CAP agency services in accordance with the requirements*  
19 *of this section. The amount of such a grant shall be the*  
20 *same amount as is provided to a territory under subpara-*  
21 *graph (B), as increased under clauses (i) and, if applicable,*  
22 *(ii) of subparagraph (D).*

23       “(ii) *In this subparagraph:*

24               “(I) *The term ‘American Indian Consortium’*  
25 *has the meaning given the term in section 102 of the*

1       *Developmental Disabilities Assistance and Bill of*  
 2       *Rights Act of 2000 (42 U.S.C. 15002).*

3               “(II) The term ‘protection and advocacy system’  
 4       means a protection and advocacy system established  
 5       under subtitle C of title I of the Developmental Dis-  
 6       abilities Assistance and Bill of Rights Act of 2000 (42  
 7       U.S.C. 15041 et seq.).

8               “(F) For any fiscal year for which the amount appro-  
 9       priated under subsection (h) equals or exceeds \$14,000,000,  
 10       the Secretary shall reserve not less than 1.8 percent and  
 11       not more than 2.2 percent of such amount to provide a  
 12       grant for training and technical assistance for the programs  
 13       established under this section. Such training and technical  
 14       assistance shall be coordinated with activities provided  
 15       under section 509(c)(1)(A).”;

16               (B) in paragraph (2)—

17                       (i) except as provided in clause (ii), by  
 18               striking “State” each place it appears and  
 19               inserting “designated CAP agency”; and

20                       (ii) by striking “States” each place it  
 21               appears and inserting “designated CAP  
 22               agencies”; and

23               (C) in paragraph (3), by striking “agency  
 24       designated” and all that follows and inserting

1           *“designated CAP agency the amount specified in*  
 2           *the application approved under subsection (f).”;*  
 3           *(6) in subsection (f), by striking “State” and in-*  
 4           *serting “designated CAP agency”;*  
 5           *(7) in paragraph (1) of subsection (g), by strik-*  
 6           *ing “such programs” and inserting “the designated*  
 7           *CAP agency of a State”; and*  
 8           *(8) in subsection (h), by striking “1999 through*  
 9           *2003” and inserting “2014 through 2018”.*

10 **SEC. 522. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

11       *Part B of title I (29 U.S.C. 730 et seq.), is amended*  
 12 *by adding at the end the following:*

13 **“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

14       *“The Commissioner shall provide technical assistance*  
 15 *for programs provided under this title regarding improving*  
 16 *the quality of vocational rehabilitation services provided*  
 17 *through the programs, including—*

18           *“(1) consulting with the Department of Edu-*  
 19           *cation, the Small Business Administration, other ap-*  
 20           *propriate Federal agencies, State and local workforce*  
 21           *development boards, and businesses or business-led*  
 22           *intermediaries;*

23           *“(2) based on information obtained through the*  
 24           *consultations, providing—*

1           “(A) *technical assistance that improves that*  
 2           *quality by enabling designated State units to de-*  
 3           *velop successful partnerships with local and*  
 4           *multi-State businesses in an effort to employ in-*  
 5           *dividuals with disabilities; and*

6           “(B) *technical assistance on developing self-*  
 7           *employment opportunities and improving em-*  
 8           *ployment outcomes for individuals with disabil-*  
 9           *ities; and*

10          “(3) *providing technical assistance to improve*  
 11          *the quality of vocational rehabilitation services pro-*  
 12          *grams carried out under section 121.”.*

13   **SEC. 523. PRE-EMPLOYMENT TRANSITION SERVICES.**

14          *Part B of title I (29 U.S.C. 730 et seq.), as amended*  
 15          *by section 522, is further amended by adding at the end*  
 16          *the following:*

17   **“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION**  
 18                   **SERVICES.**

19          “(a) *IN GENERAL.—From the funds reserved under*  
 20          *section 110(d), and funds made available through other*  
 21          *funding sources, each State shall ensure that the designated*  
 22          *State unit, in collaboration with the local educational agen-*  
 23          *cies involved and other appropriate entities, shall provide,*  
 24          *or arrange for the provision of, pre-employment transition*  
 25          *services.*



1       “(b) *REQUIRED ACTIVITIES.*—*Funds received under*  
2 *this section shall be used to support activities to improve*  
3 *the transition of students with disabilities from school to*  
4 *postsecondary education, credentialing programs, or com-*  
5 *petitive integrated employment through—*

6               “(1) *implementing effective strategies that will*  
7 *increase the likelihood of independent living and in-*  
8 *clusion in communities and competitive integrated*  
9 *workplaces;*

10              “(2) *developing and improving strategies for in-*  
11 *dividuals with intellectual disabilities and individ-*  
12 *uals with significant disabilities to live independ-*  
13 *ently, participate in postsecondary education experi-*  
14 *ences, and obtain and retain competitive integrated*  
15 *employment;*

16              “(3) *providing instruction to vocational rehabili-*  
17 *tation counselors, school transition personnel, and*  
18 *others supporting students with disabilities to live*  
19 *independently, participate in postsecondary edu-*  
20 *cation, and obtain and retain competitive integrated*  
21 *employment;*

22              “(4) *disseminating information about innova-*  
23 *tive, effective, and efficient approaches to promote*  
24 *independent living, postsecondary education, rehabili-*

1        *tation, and competitive integrated employment,*  
 2        *that—*

3                *“(A) provide effective transitions for stu-*  
 4                *dents with disabilities between educational set-*  
 5                *tings or from secondary to postsecondary school*  
 6                *settings;*

7                *“(B) improve the transition of students*  
 8                *with disabilities from nursing homes and long-*  
 9                *term care facilities to independent living; and*

10               *“(C) promote independent living of people*  
 11               *with disabilities, including individuals with in-*  
 12               *tellectual disabilities and individuals with sig-*  
 13               *nificant disabilities;*

14               *“(5) applying evidence-based findings to facili-*  
 15               *tate systemic changes, related to the transition of stu-*  
 16               *dents with disabilities, in policy, procedure, practice,*  
 17               *and the preparation of personnel; and*

18               *“(6) providing the other pre-employment transi-*  
 19               *tion services described in section 7(30)(B).*

20               *“(c) AUTHORIZED ACTIVITIES.—Activities that may*  
 21               *be carried out under this section include activities to im-*  
 22               *prove transition of students from school to postsecondary*  
 23               *education, independent living, and competitive integrated*  
 24               *employment, including the development of self-advocacy*  
 25               *skills, the development of knowledge and skills related to*

1 *transition for family members of students with disabilities,*  
2 *and the practices of professionals and others involved in*  
3 *providing services to transitioning students with disabil-*  
4 *ities through—*

5       “(1) *coordinating and aligning transition serv-*  
6 *ices provided by education, health, rehabilitation, and*  
7 *social service agencies at the Federal, State, and local*  
8 *levels;*

9       “(2) *enabling self-advocates, parents and family*  
10 *members, professionals, and other persons to learn*  
11 *about, and implement, the findings of evidence-based*  
12 *research program evaluation, and successful practices*  
13 *developed in model transition demonstration projects;*

14       “(3) *promoting change through multistate or re-*  
15 *gional frameworks that benefit States, local edu-*  
16 *cational agencies, vocational rehabilitation agencies,*  
17 *developmental disability agencies, private businesses,*  
18 *and other participants in partnerships to improve*  
19 *transition and competitive integrated employment for*  
20 *students with disabilities;*

21       “(4) *demonstrating models of personnel develop-*  
22 *ment to ensure the preparation of individuals to pro-*  
23 *vide effective education and services for transitioning*  
24 *students with disabilities; and*

1           “(5) disseminating information and strategies on  
 2           how to reduce gender, racial and ethnic, and specific  
 3           disability type disproportionalities in independent  
 4           living, rehabilitation, and competitive integrated em-  
 5           ployment outcomes for transitioning students with  
 6           disabilities.

7           “(d) *LOCAL PRE-EMPLOYMENT TRANSITION COORDI-*  
 8           *NATOR.*—

9           “(1) *COORDINATOR.*—Each local office of a des-  
 10          ignated State unit shall designate staff to carry out  
 11          the responsibilities of Local Pre-Employment Transi-  
 12          tion Coordinators for the local office, as well as ap-  
 13          propriate staff to support the Coordinators in car-  
 14          rying out the responsibilities described in paragraph  
 15          (2).

16          “(2) *RESPONSIBILITIES.*—It shall be the respon-  
 17          sibility of a Local Pre-Employment Transition Coor-  
 18          dinator to—

19                 “(A) attend individualized education pro-  
 20                 gram meetings for students with disabilities,  
 21                 when invited;

22                 “(B) work with the local workforce develop-  
 23                 ment boards, one-stop centers, and employers to  
 24                 develop job opportunities for students with dis-  
 25                 abilities, including internships, summer employ-

ment opportunities and other employment opportunities available throughout the school year, and apprenticeships;

“(C) work with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services for students with disabilities, including services described in clauses (i) through (v) of section 7(30)(B); and

“(D) when invited, attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(e) NATIONAL PRE-EMPLOYMENT TRANSITION COORDINATION.—

“(1) IN GENERAL.—The Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services shall each designate a lead staff person to fulfill the responsibilities of a National Pre-Employment Transition Coordinator for Students with Disabilities. The National Pre-Employment Transition Coordinators shall work cooperatively, and

1       *with other Federal agencies including the Corporation*  
 2       *for National and Community Service, to develop and*  
 3       *coordinate—*

4               “(A) *agency policies related to pre-employ-*  
 5               *ment transition services; and*

6               “(B) *resources to increase job opportunities*  
 7               *for students with disabilities, including intern-*  
 8               *ships, summer employment opportunities and*  
 9               *other employment opportunities available*  
 10              *throughout the school year, and apprenticeships.*

11              “(2) *CONSTRUCTION.—Nothing in this subsection*  
 12              *shall be construed to prohibit a Secretary described in*  
 13              *paragraph (1) from assigning additional responsibil-*  
 14              *ities, other than the responsibilities described in this*  
 15              *subsection, to a staff person designated under this*  
 16              *subsection.*

17              “(f) *BALANCE AMONG DISABILITIES.—In carrying out*  
 18              *this section, States shall ensure that there is an appropriate*  
 19              *balance that addresses the transition needs of students with*  
 20              *disabilities, including such students with physical, sensory,*  
 21              *and intellectual disabilities and mental health disabil-*  
 22              *ities.”.*

23       **SEC. 524. AMERICAN INDIAN VOCATIONAL REHABILITATION**  
 24               **SERVICES.**

25       *Section 121 (29 U.S.C. 741) is amended—*

1           (1) in subsection (a), in the first sentence, by in-  
 2       serting before the period the following: “(referred to in  
 3       this section as ‘eligible individuals’), consistent with  
 4       such eligible individuals’ strengths, resources, prior-  
 5       ities, concerns, abilities, capabilities, interests, and  
 6       informed choice, so that such individuals may pre-  
 7       pare for, and engage in, high quality employment  
 8       that will increase opportunities for economic self-suf-  
 9       ficiency”;

10           (2) in subsection (b)—

11           (A) in paragraph (1)—

12           (i) in subparagraph (B), by striking  
 13       “and” at the end;

14           (ii) in subparagraph (C), by striking  
 15       the period and inserting “; and”; and

16           (iii) by adding at the end the fol-  
 17       lowing:

18           “(D) contains assurances that—

19           “(i) all decisions affecting eligibility  
 20       for vocational rehabilitation services, the  
 21       nature and scope of available vocational re-  
 22       habilitation services, and the provision of  
 23       such services, will be made by a representa-  
 24       tive of the tribal vocational rehabilitation  
 25       program funded through the grant; and

1                   “(ii) such decisions will not be dele-  
2                   gated to another agency or individual.”;  
3                   and

4                   (B) by striking paragraphs (3) and (4) and  
5                   inserting the following:

6           “(3) If an application is approved under this part for  
7 a grant, the resulting grant shall be for 5 years, if the grant  
8 recipient complies with the program requirements for the  
9 program carried out under this part (including the regula-  
10 tions promulgated for the program). The grant shall be re-  
11 newed for additional 5-year periods if the Commissioner  
12 determines that the grant recipient demonstrated acceptable  
13 past performance and the grant recipient submits, and ob-  
14 tains approval by the Commissioner, for a plan, including  
15 a proposed budget, that identifies future performance cri-  
16 teria, goals, and objectives. The State shall continue to pro-  
17 vide vocational rehabilitation services under the State plan  
18 to American Indians residing on or near a reservation  
19 whenever such State includes any such American Indians  
20 in its State population under section 110(a)(1).

21           “(4) In allocating funds for grants under this part,  
22 the Secretary shall give priority to paying the continuation  
23 costs of projects in existence on the date of the allocation  
24 and may provide for increases in funding for such projects  
25 that the Secretary determines to be necessary.”;



1           (3) by redesignating subsection (c) as subsection  
2           (d); and

3           (4) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c)(1) From the funds appropriated and made avail-  
6           able to carry out this part for any fiscal year, beginning  
7           with fiscal year 2014, the Commissioner shall first reserve  
8           not less than 1.8 percent and not more than 2 percent of  
9           the funds to provide training and technical assistance to  
10          governing bodies described in subsection (a) for such fiscal  
11          year.

12          “(2) From the funds reserved under paragraph (1), the  
13          Commissioner shall make grants to, and enter into con-  
14          tracts and other arrangements with, entities that have expe-  
15          rience in the operation of vocational rehabilitation services  
16          programs under this section to provide such training and  
17          technical assistance with respect to developing, conducting,  
18          administering, and evaluating such programs.

19          “(3) The Commissioner shall conduct a survey of the  
20          governing bodies regarding training and technical assist-  
21          ance needs in order to determine funding priorities for such  
22          grants, contracts, or other arrangements.

23          “(4) To be eligible to receive a grant or enter into a  
24          contract or other arrangement under this section, such an  
25          entity shall submit an application to the Commissioner at

1 *such time, in such manner, and containing a proposal to*  
 2 *provide such training and technical assistance, and con-*  
 3 *taining such additional information as the Commissioner*  
 4 *may require. The Commissioner shall provide for peer re-*  
 5 *view of grant applications by panels that include persons*  
 6 *who are not government employees and who have experience*  
 7 *in the operation of vocational rehabilitation services pro-*  
 8 *grams under this section.”.*

9 **SEC. 525. VOCATIONAL REHABILITATION SERVICES CLIENT**  
 10 **INFORMATION.**

11 *Section 131 (29 U.S.C. 751) is amended—*

12 *(1) in subsection (a)—*

13 *(A) in paragraph (1)—*

14 *(i) in the matter preceding subpara-*  
 15 *graph (A), by striking “Education” and in-*  
 16 *serting “Labor”; and*

17 *(ii) in subparagraph (B)(i), by strik-*  
 18 *ing “Rehabilitation Services Administra-*  
 19 *tion” and inserting “Disability Employ-*  
 20 *ment Services and Supports Administra-*  
 21 *tion”; and*

22 *(B) in paragraph (2), by striking “title I of*  
 23 *the Workforce Investment Act of 1998” and in-*  
 24 *serting “title II of the Workforce Investment Act*  
 25 *of 2013”; and*

1           (2) in subsection (b), by striking “Rehabilitation  
2       Services Administration” and inserting “Disability  
3       Employment Services and Supports Administration”.

4       **SEC. 526. GAO STUDY ON INTERACTION WITH THE TICKET**  
5                               **TO WORK AND SELF-SUFFICIENCY PROGRAM.**

6       (a) *IN GENERAL.*—The Comptroller General of the  
7       United States shall conduct a study on the interaction of  
8       programs carried out under title I of the Rehabilitation Act  
9       of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work  
10      and Self-Sufficiency Program established under section  
11      1148 of the Social Security Act (42 U.S.C. 1320b–19), in-  
12      cluding the impact of the interaction on beneficiaries, com-  
13      munity rehabilitation programs (as defined in section 7 of  
14      the Rehabilitation Act of 1973 (29 U.S.C. 705)), and des-  
15      ignated State agencies (as so defined).

16      (b) *CONDUCT OF STUDY.*—In conducting the study  
17      under paragraph (1), the Comptroller General of the United  
18      States shall consult with all types of participants in the  
19      Ticket to Work and Self-Sufficiency Program, including the  
20      Social Security Administration, the Disability Employ-  
21      ment Services and Supports Administration, ticketholders,  
22      such designated State agencies, entities carrying out such  
23      community rehabilitation programs (including employment  
24      networks), protection and advocacy systems, relevant con-

1 tractors, and organizations representing the interests of  
2 ticketholders.

3 (c) *REPORT TO CONGRESS.*—Not later than 18 months  
4 after the date of enactment of this Act, the Comptroller Gen-  
5 eral of the United States shall submit a report, based on  
6 the findings of the study conducted pursuant to this section,  
7 to the Committee on Education and the Workforce of the  
8 House of Representatives, the Committee on Ways and  
9 Means of the House of Representatives, the Committee on  
10 Health, Education, Labor, and Pensions of the Senate, and  
11 the Committee on Finance of the Senate.

## 12 ***Subtitle C—Research and Training***

### 13 ***SEC. 531. PURPOSE.***

14 Section 200 (29 U.S.C. 760) is amended—

15 (1) in paragraph (1), by inserting “technical as-  
16 sistance,” after “training,”;

17 (2) in paragraph (2), by inserting “technical as-  
18 sistance,” after “training,”;

19 (3) in paragraph (3)—

20 (A) in the matter preceding subparagraph

21 (A)—

22 (i) by inserting “, use, and adoption”  
23 after “transfer”; and

24 (ii) by inserting “, in a timely and ef-  
25 ficient manner,” after “disabilities”; and

1                   (B) in subparagraph (D), by inserting “and  
2                   dissemination of research findings to individuals  
3                   with disabilities and other interested entities”  
4                   after “technology”;

5                   (4) in paragraph (5), by striking “and” after the  
6                   semicolon;

7                   (5) by redesignating paragraph (6) as para-  
8                   graph (8);

9                   (6) by inserting after paragraph (5) the fol-  
10                  lowing:

11                 “(6) identify effective vocational rehabilitation  
12                 practices and strategies to assist individuals with dis-  
13                 abilities, including those with intellectual and psy-  
14                 chiatric disabilities;

15                 “(7) identify strategies for effective coordination  
16                 of services to job seekers with disabilities available  
17                 through programs of one-stop partners, as defined in  
18                 section 101 of the Workforce Investment Act of 1998  
19                 (29 U.S.C. 2801);”;

20                 (7) in paragraph (8), as redesignated by para-  
21                 graph (5), by striking the period and inserting “;  
22                 and”; and

23                 (8) by adding at the end the following:

1           “(9) identify effective strategies for supporting  
2           the employment of individuals with disabilities in  
3           competitive integrated employment.”.

4 **SEC. 532. AUTHORIZATION OF APPROPRIATIONS.**

5           Section 201(a) (29 U.S.C. 761(a)) is amended—

6           (1) in paragraph (1)—

7                   (A) by striking “National Institute on Dis-  
8                   ability and Rehabilitation Research” and insert-  
9                   ing “National Institute on Disability, Inde-  
10                  pendent Living, and Rehabilitation Research”;

11                  (B) by striking “Rehabilitation Research  
12                  Advisory Council” and inserting “Disability,  
13                  Independent Living, and Rehabilitation Re-  
14                  search Advisory Council”; and

15                  (C) by striking “1999 through 2003” and  
16                  inserting “2014 through 2018”; and

17           (2) in paragraph (2), by striking “1999 through  
18           2003” and inserting “2014 through 2018”.

19 **SEC. 533. NATIONAL INSTITUTE ON DISABILITY, INDE-**  
20 **PENDENT LIVING, AND REHABILITATION RE-**  
21 **SEARCH.**

22           Section 202 (29 U.S.C. 762) is amended—

23           (1) in the section heading, by inserting “INDE-  
24           PENDENT LIVING,” after “DISABILITY”;

25           (2) in subsection (a)—

1           (A) in paragraph (1)—

2                   (i) in the matter preceding subpara-  
 3           graph (A), by striking “Department of Edu-  
 4           cation” and all that follows through  
 5           “which” and inserting “Administration for  
 6           Community Living of the Department of  
 7           Health and Human Services a National In-  
 8           stitute on Disability, Independent Living,  
 9           and Rehabilitation Research (referred to in  
 10          this title as the ‘Institute’), which”; and

11                  (ii) in subparagraph (A)—

12                   (I) in clause (i), by inserting “,  
 13           as appropriate” after “research”;

14                   (II) in clause (ii), by striking  
 15           “and training; and” and inserting “,  
 16           training, and technical assistance;”;

17                   (III) by redesignating clause (iii)  
 18           as clause (iv); and

19                   (IV) by inserting after clause (ii)  
 20           the following:

21                   “(iii) outreach and information that clari-  
 22           fies research implications for policy and prac-  
 23           tice; and”; and

24                  (B) in paragraph (2), by striking “directly”  
 25           and all that follows through the period and in-

serting “directly responsible to the Administrator for the Administration for Community Living of the Department of Health and Human Services.”;

(3) in subsection (b)—

(A) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following:

“(A) individuals with disabilities and the individuals’ representatives;

“(B) other Federal, State, tribal, and local public agencies;

“(C) private organizations engaged in research relating to—

“(i) independent living;

“(ii) rehabilitation; or

“(iii) providing rehabilitation or independent living services;

“(D) rehabilitation practitioners; and

“(E) international organizations and other organizations, as appropriate;”;

(B) in paragraph (3), by striking “in rehabilitation” and inserting “on disability, independent living, and rehabilitation”;

(C) in paragraph (4)—



1           (i) *in the matter preceding subpara-*  
2           *graph (A), by inserting “education, health*  
3           *care,” after “independent living,”; and*

4           (ii) *by striking subparagraphs (A)*  
5           *through (D) and inserting the following:*

6           “(A) *public and private entities, includ-*  
7           *ing—*

8                 “(i) *elementary schools and secondary*  
9                 *schools (as defined in section 9101 of the El-*  
10                *ementary and Secondary Education Act of*  
11                *1965 (20 U.S.C. 7801);*

12               “(ii) *institutions of higher education;*  
13               *and*

14               “(iii) *nongovernmental agencies and*  
15               *organizations;*

16               “(B) *rehabilitation practitioners;*

17               “(C) *employers and organizations rep-*  
18               *resenting employers with respect to employment-*  
19               *based educational materials or research;*

20               “(D) *individuals with disabilities (espe-*  
21               *cially such individuals who are members of mi-*  
22               *nority groups or of populations that are*  
23               *unserved or underserved by programs under this*  
24               *Act);*

1           “(E) the individuals’ representatives for the  
2           individuals described in subparagraph (D); and

3           “(F) the Committee on Education and the  
4           Workforce of the House of Representatives, the  
5           Committee on Appropriations of the House of  
6           Representatives, the Committee on Health, Edu-  
7           cation, Labor, and Pensions of the Senate, and  
8           the Committee on Appropriations of the Sen-  
9           ate;”;

10           (D) in paragraph (6)—

11           (i) by striking “advances in rehabilita-  
12           tion” and inserting “advances in disability,  
13           independent living, and rehabilitation”;  
14           and

15           (ii) by inserting “education, health  
16           care,” after “employment, independent liv-  
17           ing,”;

18           (E) in paragraph (7), by striking “taking  
19           whatever action is necessary to keep the Congress  
20           fully and currently informed” and inserting “re-  
21           porting to Congress annually”;

22           (F) in paragraph (8)—

23           (i) by striking “health, income,” and  
24           inserting “health care, income, education,”;  
25           and

1                   (ii) by striking “and evaluation of vo-  
 2                   cational and other” and inserting “and  
 3                   evaluation of independent living, voca-  
 4                   tional, and”; and

5                   (G) in paragraph (9), by striking “with vo-  
 6                   cational rehabilitation services for the purpose of  
 7                   identifying effective rehabilitation programs and  
 8                   policies that promote the independence of indi-  
 9                   viduals with disabilities and achievement of  
 10                  long-term vocational goals” and inserting “with  
 11                  independent living and vocational rehabilitation  
 12                  services for the purpose of identifying effective  
 13                  independent living and rehabilitation programs  
 14                  and policies that promote the independence of in-  
 15                  dividuals with disabilities and achievement of  
 16                  long-term independent living and employment  
 17                  goals”;

18                  (H) in paragraph (10), by striking “and  
 19                  telecommuting; and” and inserting “, supported  
 20                  employment (including customized employment),  
 21                  and telecommuting;”;

22                  (I) in paragraph (11), by striking the pe-  
 23                  riod and inserting “; and”; and

24                  (J) by adding at the end the following:

1           “(12) ensuring that the research activities and  
 2       findings, demonstration projects, reports, evaluations,  
 3       studies, and information, described in this section, as  
 4       well as information about any reports in progress,  
 5       will be made publicly available in a timely manner,  
 6       including through electronic means (such as the  
 7       website of the Department of Health and Human  
 8       Services and other relevant government agency  
 9       websites) in order to inform the public about the re-  
 10      search and activities performed under this title.”;

11           (4) in subsection (d)(1), by striking the second  
 12      sentence and inserting the following: “The Director  
 13      shall be an individual with substantial knowledge of  
 14      and experience in independent living, rehabilitation,  
 15      and research administration.”;

16           (5) in subsection (f)(1)—

17               (A) in the first sentence, by striking “finan-  
 18      cial assistance” and inserting “funding”; and

19               (B) by striking the second sentence and in-  
 20      serting the following: “The scientific peer review  
 21      shall be conducted by individuals who are not  
 22      Department of Health and Human Services em-  
 23      ployees. The Secretary shall consider for peer re-  
 24      view individuals who are scientists or other ex-  
 25      perts in disability, independent living, and reha-

1        *bilitation, including individuals with disabilities*  
 2        *and the individuals' representatives, and who*  
 3        *have sufficient expertise to review the projects.”;*  
 4        *(6) in subsection (h)—*

5                *(A) in paragraph (1)(A)—*

6                    *(i) by striking “priorities for rehabili-*  
 7                    *tation research,” and inserting “priorities*  
 8                    *for disability, independent living, and reha-*  
 9                    *bilitation research,”; and*

10                   *(ii) by inserting “dissemination,” after*  
 11                   *“training,”; and*

12                *(B) in paragraph (2)—*

13                   *(i) in subparagraph (A), by striking*  
 14                   *“especially in the area of employment” and*  
 15                   *inserting “especially in the areas of employ-*  
 16                   *ment and independent living”;*

17                   *(ii) in subparagraph (D)—*

18                        *(I) in clause (i), by striking “Re-*  
 19                        *habilitation” and inserting “Dis-*  
 20                        *ability, Independent Living, and Reha-*  
 21                        *bilitation”;* and

22                        *(II) in clause (iv), by striking*  
 23                        *“researchers in the rehabilitation field”*  
 24                        *and inserting “researchers in the inde-*

1                    *pendent living and rehabilitation*  
 2                    *fields”;*

3                    *(iii) in subparagraph (E), by striking*  
 4                    *“widespread dissemination of the results of”*  
 5                    *and inserting “widespread dissemination of*  
 6                    *information that clarifies implications for*  
 7                    *policy and practice of the results of”;*

8                    *(iv) in subparagraph (F), by inserting*  
 9                    *“of information that clarifies implications*  
 10                    *of the results for policy and practice and”*  
 11                    *after “widespread dissemination”;*

12                    *(7) in subsection (j), by striking paragraph (3);*

13                    *and*

14                    *(8) by striking subsection (k) and inserting the*  
 15                    *following:*

16                    *“(k) The Director shall make grants to institutions of*  
 17                    *higher education for the training of independent living and*  
 18                    *rehabilitation researchers, including individuals with dis-*  
 19                    *abilities and traditionally underserved populations of indi-*  
 20                    *viduals with disabilities, as described in section 21, with*  
 21                    *particular attention to research areas that—*

22                    *“(1) support the implementation and objectives*  
 23                    *of this Act; and*

24                    *“(2) improve the effectiveness of services author-*  
 25                    *ized under this Act.*

1       “(l)(1) Not later than December 31 of each year, the  
2 Director shall prepare, and submit to the Secretary, the  
3 Committee on Health, Education, Labor, and Pensions of  
4 the Senate, and the Committee on Education and the Work-  
5 force of the House of Representatives, a report on the activi-  
6 ties funded under this title.

7       “(2) The report under paragraph (1) shall include—

8               “(A) a compilation and summary of the infor-  
9 mation provided by recipients of funding for such ac-  
10 tivities under this title;

11              “(B) a summary describing the funding received  
12 under this title and the progress of the recipients of  
13 the funding in achieving the measurable goals de-  
14 scribed in section 204(d)(2); and

15              “(C) a summary of practical implications of re-  
16 search outcomes and anticipated next steps.

17       “(m)(1) If the Director determines that an entity that  
18 receives funding under this title fails to comply with the  
19 applicable requirements of this Act, or to make progress to-  
20 ward achieving the measurable goals described in section  
21 204(d)(2), with respect to the covered activities involved, the  
22 Director shall utilize available monitoring and enforcement  
23 measures.

24       “(2) As part of the annual report required under sub-  
25 section (l), the Secretary shall describe each action taken

1 *by the Secretary under paragraph (1) and the outcomes of*  
 2 *such action.”.*

3 **SEC. 534. INTERAGENCY COMMITTEE.**

4 *Section 203 (29 U.S.C. 763) is amended—*

5 *(1) in subsection (a)(1)—*

6 *(A) by striking “and cooperation” and in-*  
 7 *serting “, cooperation, and collaboration”;*

8 *(B) by striking “conducting rehabilitation*  
 9 *research” and inserting “conducting disability,*  
 10 *independent living, and rehabilitation research”;*

11 *(C) by striking “chaired by the Director”*  
 12 *and inserting “chaired by the Secretary, or the*  
 13 *Secretary’s designee,”;*

14 *(D) by inserting “the Chairman of the Na-*  
 15 *tional Council on Disability, the Assistant Sec-*  
 16 *retary of Disability Employment Policy, Serv-*  
 17 *ices, and Supports, the Secretary of Defense, the*  
 18 *Administrator of the Administration for Com-*  
 19 *munity Living,” after “Assistant Secretary for*  
 20 *Special Education and Rehabilitative Services,”;*  
 21 *and*

22 *(E) by striking “and the Director of the Na-*  
 23 *tional Science Foundation.” and inserting “the*  
 24 *Director of the National Science Foundation, the*  
 25 *Secretary of Commerce, and the Administrator of*



1       *the Small Business Administration. Each mem-*  
2       *ber of the Committee shall participate in 1 or*  
3       *more of the standing committees of the Com-*  
4       *mittee based on the responsibilities of the agency*  
5       *or office the member represents.”;*

6       *(2) in subsection (b)—*

7               *(A) in paragraph (1)—*

8                       *(i) by striking “from targeted individ-*  
9                       *uals” and inserting “individuals with dis-*  
10                      *abilities and their representatives”; and*

11                     *(ii) by inserting “independent living*  
12                     *and” before “rehabilitation”; and*

13               *(B) in paragraph (2)—*

14                       *(i) by striking subparagraphs (A) and*  
15                       *(B) and inserting the following:*

16               *“(A) share information regarding the range of*  
17       *assistive technology research, independent living re-*  
18       *search, and research that incorporates the principles*  
19       *of universal design, that is being carried out by mem-*  
20       *bers of the Committee and other Federal departments*  
21       *and organizations;*

22               *“(B) identify and make efforts to address, gaps*  
23       *in assistive technology research, independent living*  
24       *research, and research that incorporates the principles*

1       *of universal design, that are not being adequately ad-*  
 2       *dressed;”;*

3               (ii) in subparagraph (D), by striking  
 4               “and research that incorporates the prin-  
 5               ciples of universal design” and inserting “,  
 6               independent living research, and research  
 7               that incorporates the principles of universal  
 8               design”; and

9               (iii) in subparagraph (E), by striking  
 10              “and research that incorporates the prin-  
 11              ciples of universal design.” and inserting “,  
 12              independent living research, and research  
 13              that incorporates the principles of universal  
 14              design.”;

15           (3) by striking subsection (d);

16           (4) by redesignating subsection (c) as subsection  
 17           (d);

18           (5) by inserting after subsection (b) the fol-  
 19           lowing:

20           “(c)(1) Not later than 2 years after the date of enact-  
 21           ment of the Workforce Investment Act of 2013, and not later  
 22           than every 3 years thereafter, the Committee shall host a  
 23           disability, independent living, and rehabilitation research  
 24           summit bringing together policymakers, representatives  
 25           from Federal agencies conducting disability, independent

1 *living, and rehabilitation research, and organizations rep-*  
2 *resenting individuals with disabilities, researchers, and*  
3 *providers.*

4       “(2) *Based on the proceedings of the summit described*  
5 *in paragraph (1), the Committee shall develop a comprehen-*  
6 *sive governmentwide strategic plan for disability, inde-*  
7 *pendent living, and rehabilitation research. The strategic*  
8 *plan shall include measurable goals and objectives, action-*  
9 *oriented measures, timetables, budgets, and assignment of*  
10 *responsible individuals and agencies for carrying out re-*  
11 *search activities. At a minimum, the strategic plan shall*  
12 *include—*

13               “(A) *research priorities and recommendations;*

14               “(B) *the development of a searchable govern-*  
15 *mentwide inventory of disability, independent living,*  
16 *and rehabilitation research for trend and data anal-*  
17 *ysis across Federal agencies;*

18               “(C) *a set of guiding principles and policies and*  
19 *procedures for conducting and administering dis-*  
20 *ability, independent living, and rehabilitation re-*  
21 *search across Federal agencies; and*

22               “(D) *a summary of underemphasized and of du-*  
23 *plicative areas of research.*

24       “(3) *Not later than 90 days after the conclusion of the*  
25 *summit described in paragraph (1), the strategic plan de-*

1 *scribed in paragraph (2) shall be submitted to the President*  
 2 *and the Committee on Health, Education, Labor, and Pen-*  
 3 *sions of the Senate and the Committee on Education and*  
 4 *the Workforce of the House of Representatives.*

5       “(4) *The annual report prepared by the Committee*  
 6 *under subsection (d) shall include an annual accounting*  
 7 *of the progress made in implementing the strategic plan de-*  
 8 *scribed in paragraph (2), including achievement of measur-*  
 9 *able goals and objectives, timetables, budgets, and the as-*  
 10 *signment of responsible individuals and agencies.*

11       “(5) *The Committee shall have the authority to facili-*  
 12 *tate collaborative projects among Federal agencies by receiv-*  
 13 *ing the transfer of funds from such agencies.”;*

14               (6) *in subsection (d), as redesignated by para-*  
 15 *graph (4)—*

16                       (A) *in the matter preceding paragraph (1),*  
 17                       *by striking “Committee on Labor and Human*  
 18                       *Resources of the Senate” and inserting “Com-*  
 19                       *mittee on Health, Education, Labor, and Pen-*  
 20                       *sions of the Senate”;* and

21                       (B) *by striking paragraph (1) and inserting*  
 22 *the following:*

23                       “(1) *describes the progress of the Committee in*  
 24 *fulfilling the duties described in subsections (b) and*  
 25 *(c), and including specifically for subsection (c)—*

1           “(A) a report of the progress made in im-  
2           plementing the strategic plan;

3           “(B) a description of the achievement of  
4           measurable goals and objectives, and timetables;

5           “(C) detailed budgetary information; and

6           “(D) the assignment of responsible individ-  
7           uals and agencies.”; and

8           (7) in subsection (e)—

9           (A) in paragraph (1), by striking “and”  
10          after the semicolon; and

11          (B) in paragraph (2), by striking the period  
12          at the end and inserting “; and”; and

13          (C) by adding at the end the following:

14          “(3) the term ‘independent living’, used in con-  
15          nection with research, means research on issues and  
16          topics related to attaining maximum self-sufficiency  
17          and function by individuals with disabilities, includ-  
18          ing research on assistive technology and universal de-  
19          sign, employment, education, health and function,  
20          and community integration and participation.”.

21 **SEC. 535. RESEARCH AND OTHER COVERED ACTIVITIES.**

22          Section 204 (29 U.S.C. 764) is amended—

23          (1) in subsection (a)—

24          (A) in paragraph (1)—

1                   (i) by striking “pay part of” and in-  
2                   serting “fund”;

3                   (ii) by inserting “have practical real  
4                   life applications and” before “maximize”;  
5                   and

6                   (iii) by striking “employment, inde-  
7                   pendent living,” and inserting “employ-  
8                   ment, education, independent living, health  
9                   care,”;

10                  (B) in paragraph (2)—

11                   (i) in subparagraph (A), by inserting  
12                   “and from which the research findings, con-  
13                   clusions, or recommendations can be trans-  
14                   ferred to practice” after “State agencies”;

15                   (ii) in subparagraph (B)—

16                   (I) by striking clause (ii) and in-  
17                   serting the following:

18                   “(ii) studies and analysis of factors related to  
19                   industrial, vocational, educational, employment, so-  
20                   cial, recreational, psychiatric, psychological, eco-  
21                   nomic, and health and health care variables for indi-  
22                   viduals with disabilities, including traditionally un-  
23                   derserved populations as described in section 21, and  
24                   how those variables affect such individuals’ ability to

1       *live independently and their participation in the*  
 2       *labor force;”;*

3                       (II) *in clause (iii), by striking*  
 4                       *“are homebound” and inserting “have*  
 5                       *significant challenges attempting to en-*  
 6                       *gage with community life outside of*  
 7                       *their homes”;*

8                       (III) *in clause (iv), by inserting*  
 9                       *“, including the principles of universal*  
 10                      *design and the interoperability of*  
 11                      *products and services” after “disabil-*  
 12                      *ities”;*

13                      (IV) *in clause (v), by inserting “,*  
 14                      *and to promoting employment oppor-*  
 15                      *tunities in competitive integrated em-*  
 16                      *ployment” after “employment”;*

17                      (V) *in clause (vi), by striking*  
 18                      *“and” after the semicolon;*

19                      (VI) *in clause (vii), by striking*  
 20                      *“and assistive technology.” and insert-*  
 21                      *ing “, assistive technology, and com-*  
 22                      *munications technology; and”;* and

23                      (VII) *by adding at the end the fol-*  
 24                      *lowing:*

1           “(viii) studies, analyses, and other activities af-  
 2       fecting employment outcomes as defined in section  
 3       7(11), including self-employment and telecommuting,  
 4       of individuals with disabilities.”; and

5           (C) by adding at the end the following:

6       “(3) In carrying out this section, the Director shall  
 7       emphasize covered activities that include plans for—

8           “(A) dissemination of high-quality materials, of  
 9       scientifically valid research results, or of findings,  
 10      conclusions, and recommendations resulting from cov-  
 11      ered activities, including through electronic means  
 12      (such as the website of the Department of Health and  
 13      Human Services), so that such information is avail-  
 14      able in a timely manner to the general public; or

15          “(B) the commercialization of marketable prod-  
 16      ucts, research results, or findings, resulting from the  
 17      covered activities.”;

18          (2) in subsection (b)—

19           (A) in paragraph (1), by striking “(18)”  
 20      both places the term appears and inserting  
 21      “(17)”;

22          (B) in paragraph (2)—

23           (i) in subparagraph (A), by striking  
 24      clauses (i) and (ii) and inserting the fol-  
 25      lowing:



1           “(i) be operated in collaboration with institu-  
 2           tions of higher education, providers of rehabilitation  
 3           services, developers or providers of assistive technology  
 4           devices, assistive technology services, or information  
 5           technology devices or services, as appropriate, or pro-  
 6           viders of other appropriate services; and

7           “(ii) serve as centers of national excellence and  
 8           national or regional resources for individuals with  
 9           disabilities, as well as providers, educators, and re-  
 10          searchers.”;

11                           (ii) in subparagraph (B)—

12                                   (I) by striking clause (i) and in-  
 13                                   serting the following:

14           “(i) conducting coordinated and advanced pro-  
 15           grams of research in independent living and rehabili-  
 16           tation targeted toward the production of new knowl-  
 17           edge that will improve independent living and reha-  
 18           bilitation methodology and service delivery systems,  
 19           maximize health and function (including alleviating  
 20           or stabilizing conditions, or preventing secondary  
 21           conditions), and promote maximum social and eco-  
 22           nomic independence of individuals with disabilities,  
 23           including promoting the ability of the individuals to  
 24           prepare for, secure, retain, regain, or advance in em-  
 25           ployment;”;

1                   (II) by redesignating clauses (ii),  
 2                   (iii), and (iv), as clauses (iii), (iv),  
 3                   and (v), respectively;

4                   (III) by inserting after clause (i)  
 5                   the following:

6                   “(ii) conducting coordinated and advanced pro-  
 7                   grams in research in employer practices targeted to-  
 8                   ward production of new knowledge that will facilitate  
 9                   the ability of employers to identify, recruit, accommo-  
 10                  date, advance, and retain qualified individuals with  
 11                  disabilities;”;

12                  (IV) in clause (iii), as redesign-  
 13                  ated by subclause (II), by inserting  
 14                  “independent living and” before “reha-  
 15                  bilitation services”;

16                  (V) in clause (iv), as redesignated  
 17                  by subclause (II)—

18                   (aa) by inserting “inde-  
 19                   pendent living and” before “reha-  
 20                   bilitation” each place the term  
 21                   appears; and

22                   (bb) by striking “and” after  
 23                   the semicolon; and

1                   (VI) by striking clause (v), as re-  
 2                   designated by subclause (II), and in-  
 3                   serting the following:

4                   “(v) serving as an informational and technical  
 5                   assistance resource to individuals with disabilities, as  
 6                   well as to providers, educators, and researchers,  
 7                   through conferences, workshops, public education pro-  
 8                   grams, in-service training programs, and similar ac-  
 9                   tivities and providing outreach and information that  
 10                  clarifies research implications for policy and practice  
 11                  to promote the use of research findings through train-  
 12                  ing, technical assistance, and dissemination, includ-  
 13                  ing identifying potential new areas of research; and  
 14                  “(vi) developing practical applications for the  
 15                  research findings of the Centers.”;

16                  (iii) in subparagraph (C)—

17                   (I) in clause (i), by inserting “,  
 18                   including research on assistive tech-  
 19                   nology devices, assistive technology  
 20                   services, and accessible electronic and  
 21                   information technology devices” after  
 22                   “research”;

23                   (II) in clause (ii)—

1                   (aa) by striking “and social”  
 2                   and inserting “, social, and eco-  
 3                   nomic”; and

4                   (bb) by inserting “inde-  
 5                   pendent living and” before “reha-  
 6                   bilitation”; and

7                   (III) by striking clauses (iii)  
 8                   through (vi) and inserting the fol-  
 9                   lowing:

10               “(iii) improving the evaluation process for deter-  
 11               mining the assistive technology needs of individuals  
 12               with disabilities;

13               “(iv) research related to vocational rehabilita-  
 14               tion, including the use of assistive technology devices  
 15               and accessible electronic and information technology  
 16               devices in employment;

17               “(v) continuation of research that promotes the  
 18               emotional, social, educational, and functional growth  
 19               of children who are individuals with disabilities, as  
 20               well as their integration in school, employment, and  
 21               community activities;

22               “(vi) continuation of research to develop and  
 23               evaluate interventions, policies, and services that sup-  
 24               port families of those children and adults who are in-  
 25               dividuals with disabilities;

1           “(vii) continuation of research that will improve  
 2           services and policies that foster the independence and  
 3           social integration of individuals with disabilities, and  
 4           enable individuals with disabilities, including indi-  
 5           viduals with intellectual disabilities and other devel-  
 6           opmental disabilities, to live in their communities;  
 7           and

8           “(viii) research, dissemination, and technical as-  
 9           sistance, on best practices in supported employment  
 10          and other strategies to promote competitive integrated  
 11          employment for persons with the most significant dis-  
 12          abilities.”;

13                       (iv) by striking subparagraph (D) and  
 14                       inserting the following:

15          “(D) Training of students preparing to be independent  
 16          living or rehabilitation personnel or to provide independent  
 17          living, rehabilitative, assistive, or supportive services (such  
 18          as rehabilitation counseling, personal care services, direct  
 19          care, job coaching, aides in school based settings, or advice  
 20          or assistance in utilizing assistive technology devices, assist-  
 21          ive technology services, and accessible electronic and infor-  
 22          mation technology devices and services) shall be an impor-  
 23          tant priority for each such Center.”;

24                       (v) in subparagraph (E), by striking  
 25                       “comprehensive”;

1                   (vi) in subparagraph (G)(i), by insert-  
 2                   ing “independent living and” before “reha-  
 3                   bilitation-related”;

4                   (vii) by striking subparagraph (I); and  
 5                   (viii) by redesignating subparagraphs  
 6                   (J) through (O) as subparagraphs (I)  
 7                   through (N), respectively;  
 8                   (C) in paragraph (3)—

9                   (i) in subparagraph (A), by inserting  
 10                   “independent living strategies and” before  
 11                   “rehabilitation technology”;

12                   (ii) in subparagraph (B)—

13                   (I) in clause (i)(I), by inserting  
 14                   “independent living and” before “reha-  
 15                   bilitation problems”;

16                   (II) in clause (ii)(II), by striking  
 17                   “employment” and inserting “edu-  
 18                   cational, employment,”; and

19                   (III) in clause (iii)(II), by strik-  
 20                   ing “employment” and inserting “edu-  
 21                   cational, employment,”;

22                   (iii) in subparagraph (D)(i)(II), by  
 23                   striking “postschool” and inserting “postsec-  
 24                   ondary education, competitive integrated

1           *employment, and other age-appropriate*”;  
 2           *and*

3                   *(iv) in subparagraph (G)(ii), by in-*  
 4                   *serting “the success of any commercialized*  
 5                   *product researched or developed through the*  
 6                   *Center,” after “individuals with disabil-*  
 7                   *ities,”;*

8           *(D) in paragraph (4)(B)—*

9                   *(i) in clause (i)—*

10                       *(I) by striking “vocational” and*  
 11                       *inserting “independent living, employ-*  
 12                       *ment,”;*

13                       *(II) by striking “special” and in-*  
 14                       *serting “unique”; and*

15                       *(III) by inserting “social and*  
 16                       *functional needs, and” before “acute*  
 17                       *care”; and*

18                       *(ii) in clause (iv), by inserting “edu-*  
 19                       *cation, health care,” after “employment,”;*

20                   *(E) by striking paragraph (8) and inserting*  
 21           *the following:*

22           *“(8) Grants may be used to conduct a program of joint*  
 23           *projects with the National Institutes of Health, the National*  
 24           *Institute of Mental Health, the Health Resources and Serv-*  
 25           *ices Administration, the National Science Foundation, the*

1 *Department of Veterans Affairs, the Department of Defense,*  
 2 *the Substance Abuse and Mental Health Services Adminis-*  
 3 *tration, the Federal Communications Commission, the Na-*  
 4 *tional Aeronautics and Space Administration, the Depart-*  
 5 *ment of Commerce, the Small Business Administration, the*  
 6 *Department of Labor, other Federal agencies, the Adminis-*  
 7 *tration for Community Living (or other office of the De-*  
 8 *partment of Health and Human Services), and private in-*  
 9 *dustry in areas of joint interest involving rehabilitation.”;*

10 *(F) by striking paragraphs (9) and (11);*

11 *(G) by redesignating paragraphs (10), (12),*  
 12 *(13), (14), (15), (16), (17), and (18), as para-*  
 13 *graphs (9), (10), (11), (12), (13), (14), (15), and*  
 14 *(16), respectively;*

15 *(H) in paragraph (11), as redesignated by*  
 16 *subparagraph (G)—*

17 *(i) in the matter preceding subpara-*  
 18 *graph (A), by striking “employment needs*  
 19 *of individuals with disabilities, including”*  
 20 *and inserting “employment needs, opportu-*  
 21 *nities, and outcomes (including those relat-*  
 22 *ing to self-employment, supported employ-*  
 23 *ment, and telecommuting) of individuals*  
 24 *with disabilities, including”;*



1                   (ii) in subparagraph (B), by inserting  
2                   “and employment related” after “the em-  
3                   ployment”;

4                   (iii) in subparagraph (E), by striking  
5                   “and” after the semicolon;

6                   (iv) in subparagraph (F), by striking  
7                   the period at the end and inserting “; and”;  
8                   and

9                   (v) by adding at the end the following:

10                  “(G) develop models and alternatives to help  
11                  transition sheltered workshops for individuals with  
12                  disabilities to competitive integrated employment for  
13                  such individuals, and develop recommendations for  
14                  decreasing reliance on the special minimum wage cer-  
15                  tificate program under section 14(c) of the Fair  
16                  Labor Standards Act of 1938 (29 U.S.C. 214(c)).”;

17                  (I) in paragraph (12), as redesignated by  
18                  subparagraph (G)—

19                   (i) in the matter preceding subpara-  
20                   graph (A), by inserting “an independent  
21                   living or” after “conduct”;

22                   (ii) in subparagraph (D), by inserting  
23                   “independent living or” before “rehabilita-  
24                   tion”; and

1                   (iii) in the matter following subpara-  
 2                   graph (E), by striking “National Institute  
 3                   on Disability and Rehabilitation Research”  
 4                   and inserting “National Institute on Dis-  
 5                   ability, Independent Living, and Rehabili-  
 6                   tation Research”;

7                   (J) in paragraph (13), as redesignated by  
 8                   subparagraph (G), by inserting “independent  
 9                   living and” before “rehabilitation needs”;

10                  (K) in paragraph (14), as redesignated by  
 11                  subparagraph (G), by striking “and access to  
 12                  gainful employment.” and inserting “, full par-  
 13                  ticipation, equal opportunity, and economic self-  
 14                  sufficiency.”; and

15                  (L) by adding at the end the following:

16                  “(17) Research grants may be used to conduct a model  
 17                  research and training program under which model centers  
 18                  shall be established to develop and use more advanced and  
 19                  effective methods of evaluating and addressing the com-  
 20                  prehensive community living needs, opportunities, and out-  
 21                  comes (including, but not limited to, those relating to long-  
 22                  term services and supports, independent living, youth tran-  
 23                  sition, education, employment, and health care) of individ-  
 24                  uals with disabilities, including programs that—

1           “(A) develop models to maximize opportunities  
 2           for integrated community living, including employ-  
 3           ment and independent living, for individuals with  
 4           disabilities;

5           “(B) provide training and continuing education  
 6           for personnel involved with community living for in-  
 7           dividuals with disabilities;

8           “(C) develop model procedures for testing and  
 9           evaluating the community living related needs of in-  
 10          dividuals with disabilities;

11          “(D) develop model training programs to teach  
 12          individuals with disabilities skills which will lead to  
 13          integrated community living and full participation  
 14          in the community; and

15          “(E) develop new approaches for long-term serv-  
 16          ices and supports for individuals with disabilities, in-  
 17          cluding supports necessary for competitive integrated  
 18          employment.”; and

19          (3) by adding at the end the following:

20          “(d)(1) In awarding grants, contracts, or other fund-  
 21          ing under this title, the Director shall award the funding  
 22          on a competitive basis.

23          “(2)(A) To be eligible to receive funds under this sec-  
 24          tion for a covered activity, an entity shall submit an appli-

1 cation to the Director at such time, in such manner, and  
2 containing such information as the Director may require.

3 “(B) The application shall include information de-  
4 scribing—

5 “(i) measurable goals, as established through sec-  
6 tion 1115 of title 31, United States Code, and a  
7 timeline and specific plan for meeting the goals, that  
8 the applicant has set for addressing priorities related  
9 to—

10 “(I) commercialization of a marketable  
11 product (including a marketable curriculum or  
12 research) resulting from the covered activity;

13 “(II) in the case of a covered activity relat-  
14 ing to technology, technology transfer;

15 “(III) in the case of research, dissemination  
16 of research results to, as applicable, Government  
17 entities, individuals with disabilities, covered  
18 schools, the independent living community, the  
19 business community, the assistive technology  
20 community, and the accessible electronic and in-  
21 formation technology community; and

22 “(IV) other matters as required by the Di-  
23 rector; and

1           “(ii) how the applicant will quantifiably meas-  
 2           ure the goals to determine whether the goals have been  
 3           accomplished.

4           “(3)(A) In the case of an application for funding  
 5           under this section to carry out a covered activity that re-  
 6           sults in the development of a marketable product, the appli-  
 7           cation shall also include a commercialization and dissemi-  
 8           nation plan, as appropriate, containing commercialization  
 9           and marketing strategies for the product involved, and  
 10          strategies for disseminating information about the product.  
 11          The funding shall not be used to carry out the commer-  
 12          cialization and marketing strategies.

13          “(B) In the case of any other application for funding  
 14          to carry out a covered activity under this section, the appli-  
 15          cation shall also include a dissemination plan, containing  
 16          strategies for disseminating educational materials, research  
 17          results, or findings, conclusions, and recommendations, re-  
 18          sulting from the covered activity.”.

19       **SEC. 536. DISABILITY, INDEPENDENT LIVING, AND REHA-**  
 20                               **BILITATION RESEARCH ADVISORY COUNCIL.**

21       Section 205 (29 U.S.C. 765) is amended—

22           (1) in the section heading, by inserting “**DIS-**  
 23       **ABILITY, INDEPENDENT LIVING, AND**” before  
 24       “**REHABILITATION**”;

25           (2) in subsection (a)—

1           (A) by striking “Department of Education  
2           a Rehabilitation Research Advisory Council”  
3           and inserting “Department of Health and  
4           Human Services a Disability, Independent Liv-  
5           ing, and Rehabilitation Research Advisory  
6           Council”; and

7           (B) by inserting “not less than” after “com-  
8           posed of”;

9           (3) by striking subsection (c) and inserting the  
10          following:

11          “(c) *QUALIFICATIONS.*—Members of the Council shall  
12          be generally representative of the community of disability,  
13          independent living, and rehabilitation professionals, the  
14          community of disability, independent living, and rehabili-  
15          tation researchers, the directors of independent living cen-  
16          ters and community rehabilitation programs, the business  
17          community (including a representative of the small business  
18          community) that has experience with the system of voca-  
19          tional rehabilitation services and independent living serv-  
20          ices carried out under this Act and with hiring individuals  
21          with disabilities, the community of stakeholders involved in  
22          assistive technology, the community of covered school profes-  
23          sionals, and the community of individuals with disabilities,  
24          and the individuals’ representatives. At least one-half of the

1 *members shall be individuals with disabilities or the indi-*  
 2 *viduals' representatives.”; and*

3 *(4) in subsection (g), by striking “Department of*  
 4 *Education” and inserting “Department of Health*  
 5 *and Human Services”.*

6 **SEC. 537. DEFINITION OF COVERED SCHOOL.**

7 *Title II (29 U.S.C. 760 et seq.) is amended by adding*  
 8 *at the end the following:*

9 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

10 *“In this title, the term ‘covered school’ means an ele-*  
 11 *mentary school or secondary school (as such terms are de-*  
 12 *finied in section 9101 of the Elementary and Secondary*  
 13 *Education Act of 1965 (20 U.S.C. 7801)) or an institution*  
 14 *of higher education.”.*

15 ***Subtitle D—Professional Develop-***  
 16 ***ment and Special Projects and***  
 17 ***Demonstration***

18 **SEC. 541. PURPOSE; TRAINING.**

19 *(a) PURPOSE.—Section 301(a)(5) (29 U.S.C.*  
 20 *771(a)(5)) is amended by striking “workforce investment*  
 21 *systems” and inserting “workforce development systems”.*

22 *(b) TRAINING.—Section 302 (29 U.S.C. 772) is amend-*  
 23 *ed—*

24 *(1) in subsection (a)—*

25 *(A) in paragraph (1)—*

1           (i) in subparagraph (E), by striking  
 2           all after “deliver” and inserting “supported  
 3           employment services and customized em-  
 4           ployment services to individuals with the  
 5           most significant disabilities.”;

6           (ii) in subparagraph (F), by striking  
 7           “and” after the semicolon;

8           (iii) in subparagraph (G), by striking  
 9           the period at the end and inserting “; and”;  
 10          and

11          (iv) by adding at the end the following:  
 12          “(H) personnel trained in providing assist-  
 13          ive technology services.”;

14          (B) in paragraph (4)—

15           (i) in the matter preceding subpara-  
 16           graph (A), by striking “title I of the Work-  
 17           force Investment Act of 1998” and inserting  
 18           “title II of the Workforce Investment Act of  
 19           2013”;

20           (ii) in subparagraph (A), by striking  
 21           “workforce investment system” and insert-  
 22           ing “workforce development system”; and

23           (iii) in subparagraph (B), by striking  
 24           “section 134(c) of the Workforce Investment  
 25           Act of 1998.” and inserting “section 221(e)



1                   *of the Workforce Investment Act of 2013.”;*

2                   *and*

3                   *(C) in paragraph (5)—*

4                         *(i) by striking “Department of Labor”*

5                         *and inserting “Department of Education”;*

6                   *and*

7                         *(ii) by striking “title I of the Work-*

8                         *force Investment Act of 1998” and inserting*

9                         *“title II of the Workforce Investment Act of*

10                         *2013”;*

11                   *(2) in subsection (b)(1)(B)(i), by striking “or*

12                         *prosthetics and orthotics” and inserting “prosthetics*

13                         *and orthotics, vision rehabilitation therapy, orienta-*

14                         *tion and mobility instruction, or low vision therapy”;*

15                   *(3) in subsection (g)—*

16                         *(A) in paragraph (1), by adding after the*

17                         *period the following: “Any technical assistance*

18                         *provided to community rehabilitation programs*

19                         *shall be focused on the employment outcome of*

20                         *competitive integrated employment for individ-*

21                         *uals with disabilities.”; and*

22                         *(B) in paragraph (3)—*

23                         *(i) in subparagraph (A), by striking*

24                         *clause (iv) and inserting the following:*

1           “(iv) for the 2 years following the date  
 2           of enactment of the Workforce Investment  
 3           Act of 2013, to provide training regarding  
 4           the amendments made to this Act under  
 5           title V of the Workforce Investment Act of  
 6           2013.”; and

7           (ii) in subparagraph (B), by striking  
 8           “on the date of enactment of the Rehabilita-  
 9           tion Act Amendments of 1998” and insert-  
 10          ing “on the date of enactment of the Work-  
 11          force Investment Act of 2013”; and

12          (4) in subsection (i), by striking “fiscal years  
 13          1999 through 2003” and inserting “fiscal years 2014  
 14          through 2018”.

15 **SEC. 542. DEMONSTRATION, TRAINING, AND TECHNICAL AS-**  
 16 **SISTANCE PROGRAMS.**

17          Section 303 (29 U.S.C. 773) is amended—

18          (1) in the section heading, by striking “**AND**  
 19          **TRAINING PROGRAMS**” and inserting “, **TRAIN-**  
 20          **ING, AND TECHNICAL ASSISTANCE PROGRAMS**”;

21          (2) in subsection (b)—

22                (A) in paragraph (3)(A), by striking “Na-  
 23                tional Institute on Disability and Rehabilitation  
 24                Research” and inserting “National Institute on

*Disability, Independent Living, and Rehabilitation Research”;*

*(B) in paragraph (5)—*

*(i) in subparagraph (A)—*

*(I) by striking clause (i) and inserting the following:*

*“(i) initiatives focused on improving transition from education to employment for youth who are individuals with significant disabilities, particularly competitive integrated employment, as described in subsection (c);”;* and

*(II) by striking clause (iii) and inserting the following:*

*“(iii) increasing competitive integrated employment for individuals with significant disabilities.”;* and

*(ii) in subparagraph (B)(viii), by striking “under title I of the Workforce Investment Act of 1998” and inserting “under title II of the Workforce Investment Act of 2013”; and*

*(C) by striking paragraph (6);*

*(3) by redesignating subsections (c), (d), and (e), as subsections (f), (g), and (h), respectively;*

1           (4) *by inserting after subsection (b) the fol-*  
 2       *lowing:*

3       “(c) *TRANSITION TECHNICAL ASSISTANCE, DEM-*  
 4       *ONSTRATION PROJECTS, DISSEMINATION OF INFORMATION,*  
 5       *AND IMPLEMENTATION OF EVIDENCE-BASED RESEARCH.—*

6           “(1) *IN GENERAL.—The Secretary shall enter*  
 7       *into contracts or cooperative agreements with eligible*  
 8       *entities to provide technical assistance, support model*  
 9       *demonstration projects, disseminate useful informa-*  
 10      *tion, and implement activities that are supported by*  
 11      *evidence-based research to facilitate transition of*  
 12      *youth with disabilities from school to postsecondary*  
 13      *education, competitive integrated employment, and*  
 14      *independent living.*

15          “(2) *REQUIRED ACTIVITIES.—Funds received*  
 16      *under this subsection shall be used to support activi-*  
 17      *ties to improve the transition of youth with disabili-*  
 18      *ties from school to postsecondary education,*  
 19      *credentialing programs, or competitive integrated em-*  
 20      *ployment, through—*

21           “(A) *implementing effective strategies for*  
 22      *promoting positive, pro-social behaviors and em-*  
 23      *ployment skills, including such skills that will*  
 24      *increase the likelihood of independent living and*

1 *inclusion in communities and competitive inte-*  
2 *grated workplaces;*

3 “(B) *developing and improving the strate-*  
4 *gies for—*

5 “(i) *integrating veterans with disabil-*  
6 *ities into their communities;*

7 “(ii) *enabling veterans to participate*  
8 *in postsecondary education; and*

9 “(iii) *supporting veterans in obtaining*  
10 *and retaining competitive integrated em-*  
11 *ployment;*

12 “(C) *developing and improving strategies*  
13 *for individuals with intellectual disabilities to*  
14 *live independently, participate in postsecondary*  
15 *education experiences, and obtain and retain*  
16 *competitive integrated employment;*

17 “(D) *providing instruction to vocational re-*  
18 *habilitation counselor, school transition per-*  
19 *sonnel, and others supporting youth with disabil-*  
20 *ities to live independently, participate in post-*  
21 *secondary education, and obtain and retain com-*  
22 *petitive integrated employment;*

23 “(E) *disseminating information about inno-*  
24 *vative, effective, and efficient approaches to pro-*  
25 *mote independent living, postsecondary edu-*

1           *cation, rehabilitation, and competitive, inte-*  
 2           *grated employment, that—*

3                   “(i) *provide effective transitions be-*  
 4                   *tween educational settings or from sec-*  
 5                   *ondary to postsecondary school settings;*

6                   “(ii) *improve educational and transi-*  
 7                   *tional results at all levels of the educational*  
 8                   *system;*

9                   “(iii) *improve the transition of youth*  
 10                   *with disabilities from nursing home and*  
 11                   *long-term care facilities to independent liv-*  
 12                   *ing; and*

13                   “(iv) *promote independent living of in-*  
 14                   *dividuals with disabilities, including those*  
 15                   *with intellectual disabilities; and*

16                   “(F) *applying evidence-based findings to fa-*  
 17                   *cilitate systemic changes, related to the transi-*  
 18                   *tion of youth with disabilities, in policy, proce-*  
 19                   *dure, practice, and the preparation of personnel.*

20                   “(3) *AUTHORIZED ACTIVITIES.—Activities that*  
 21                   *may be carried out under this subsection include ac-*  
 22                   *tivities to improve transition of youth with disabil-*  
 23                   *ities from school to postsecondary education, inde-*  
 24                   *pendent living, and competitive integrated employ-*  
 25                   *ment, including the development of self-advocacy*

1 *skills, the development of knowledge and skills related*  
2 *to transition of family members of youth with disabil-*  
3 *ities, and the practices of professionals and others in-*  
4 *volved in providing services to transitioning youth,*  
5 *through—*

6 *“(A) applying and testing research and*  
7 *program evaluation findings in typical settings*  
8 *where youth with disabilities transition from*  
9 *school to postsecondary education, independent*  
10 *living, and competitive integrated employment*  
11 *in order to determine the usefulness, effectiveness,*  
12 *and general applicability of such findings;*

13 *“(B) coordinating and aligning transition*  
14 *services provided by education, health, rehabili-*  
15 *tation, and social service agencies at the Federal,*  
16 *State, and local levels;*

17 *“(C) enabling self-advocates, parents and*  
18 *family members, professionals, and other persons*  
19 *to learn about, and implement, the findings of*  
20 *research program evaluation, and successful*  
21 *practices developed in model transition dem-*  
22 *onstration projects;*

23 *“(D) conducting outreach, and dissemi-*  
24 *nating information, relating to successful ap-*

1        *proaches to overcoming systemic barriers to the*  
 2        *effective and efficient transition of youth;*

3                *“(E) assisting States and local educational*  
 4        *agencies with the process of planning systemic*  
 5        *changes that will promote improved transitions*  
 6        *for youth with disabilities;*

7                *“(F) promoting change through a multistate*  
 8        *or regional framework that benefits States, local*  
 9        *educational agencies, vocational rehabilitation*  
 10        *agencies, developmental disability agencies, pri-*  
 11        *vate businesses, and other participants in part-*  
 12        *nerships to improve transitions for youth with*  
 13        *disabilities;*

14                *“(G) demonstrating models of personnel de-*  
 15        *velopment to ensure the preparation of individ-*  
 16        *uals to provide effective education and services*  
 17        *for transitioning youth; and*

18                *“(H) disseminating information and strate-*  
 19        *gies on how to reduce gender, racial and ethnic,*  
 20        *and specific disability type disproportionalities*  
 21        *in independent living, rehabilitation, and com-*  
 22        *petitive integrated employment outcomes for*  
 23        *transitioning youth.*

24                *“(4) BALANCE AMONG DISABILITIES.—In car-*  
 25        *rying out this subsection, the Secretary shall ensure*



1        *that there is an appropriate balance that addresses*  
 2        *the transition needs of youth with disabilities, includ-*  
 3        *ing those with physical, sensory, intellectual, and*  
 4        *mental health disabilities.*

5            “(5) *LINKING STATES TO INFORMATION*  
 6        *SOURCES.—In carrying out this subsection, the Sec-*  
 7        *retary shall support projects that link States to tech-*  
 8        *nical assistance resources and make research and re-*  
 9        *lated products available through libraries, electronic*  
 10       *networks, parent and family training projects, and*  
 11       *other information sources.*

12           “(6) *APPLICATIONS.—*

13                “(A) *IN GENERAL.—An eligible entity that*  
 14        *wishes to enter into a contract or cooperative*  
 15        *agreement under this subsection shall submit an*  
 16        *application to the Secretary at such time, in*  
 17        *such manner, and containing such information*  
 18        *as the Secretary may require.*

19                “(B) *STANDARDS.—To the maximum extent*  
 20        *feasible, each eligible entity shall demonstrate*  
 21        *that the project described in the eligible entity’s*  
 22        *application is supported by evidence-based re-*  
 23        *search that has been carried out in accordance*  
 24        *with standards for the conduct and evaluation of*  
 25        *all relevant research and development.*

1 “(d) COMMISSIONER’S SCHOLAR PROGRAM.—

2 “(1) IN GENERAL.—*The Commissioner shall an-*  
3 *nually recognize, in a highly visible manner, eligible*  
4 *individuals with significant disabilities who are suc-*  
5 *cessfully completing a postgraduate degree in law,*  
6 *business, science, technology, engineering, mathe-*  
7 *matics, or medicine (including completing any resi-*  
8 *dency program).*

9 “(2) STUDENT APPLICATIONS TO STATES.—*Not*  
10 *later than May of 2014 and each subsequent year,*  
11 *each designated State unit shall solicit and consider*  
12 *the applications of individuals with significant dis-*  
13 *abilities who are receiving, or eligible to receive, voca-*  
14 *tional rehabilitation services under this title and who*  
15 *have the potential to complete rigorous professional*  
16 *training in law, business, science, technology, engi-*  
17 *neering, mathematics, or medicine. The designated*  
18 *State unit shall select not more than 2 individuals,*  
19 *who are otherwise eligible for vocational rehabilita-*  
20 *tion services under title I (but without regard to any*  
21 *order of selection established under section 101(a)(5)*  
22 *in the State), for recognition as a Commissioner’s*  
23 *Scholar.*

1           “(3) *ELIGIBILITY OF STUDENTS.*—*In order to be*  
2           *eligible to receive assistance through the program, an*  
3           *applicant—*

4                   “(A) *shall be receiving, or eligible to receive,*  
5                   *vocational rehabilitation services under this title*  
6                   *pursuant to an individualized plan for employ-*  
7                   *ment that specifies an employment outcome in*  
8                   *competitive integrated employment that would*  
9                   *require graduate studies in the relevant field;*

10                   “(B) *shall have previously completed a*  
11                   *bachelor’s degree program at an institution of*  
12                   *higher education or be scheduled to complete the*  
13                   *degree program not later than the July preceding*  
14                   *the first school year for which the applicant pro-*  
15                   *poses to use the assistance; and*

16                   “(C) *shall have applied to, and been accept-*  
17                   *ed by, a program at an accredited institution of*  
18                   *higher education in the United States that con-*  
19                   *fers a juris doctor degree, a master’s of business*  
20                   *administration degree, a doctor of medicine de-*  
21                   *gree, a doctor of osteopathic medicine degree, or*  
22                   *a doctoral degree in a field of science, technology,*  
23                   *engineering, or mathematics.*

1           “(4) *DETERMINATION BY THE COMMISSIONER.*—  
 2       *Each eligible individual selected to be a Commis-*  
 3       *sioner’s Scholar shall—*

4                       “(A) *be recognized in a manner determined*  
 5                       *by the Commissioner; and*

6                       “(B) *participate in Commissioner’s Scholar*  
 7                       *activities, as determined by the Commissioner.*

8           “(5) *SERVICES AND SUPPORTS.*—*An individual*  
 9       *selected to be a Commissioner’s Scholar in the State*  
 10       *shall be eligible for the services and supports (includ-*  
 11       *ing tuition) needed in order to successfully complete*  
 12       *the individual’s degree program. Such services and*  
 13       *supports (including tuition) shall be paid for from the*  
 14       *funds appropriated under title I for the vocational re-*  
 15       *habilitation State grants program.*

16           “(6) *EFFORTS TO SECURE ASSISTANCE FROM*  
 17       *OTHER SOURCES.*—*The limitations of section*  
 18       *103(a)(5) that apply to training services shall apply*  
 19       *to services and supports described in paragraph (5).*

20           “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*  
 21       *subsection shall prevent any designated State unit*  
 22       *from providing educational supports and services,*  
 23       *similar to the supports and services described in*  
 24       *paragraph (5), to eligible individuals with disabilities*

1       *within the State who are not served under this sub-*  
 2       *section.*

3       “(e) *TRAINING AND TECHNICAL ASSISTANCE CENTER*  
 4       *TO PROMOTE HIGH-QUALITY EMPLOYMENT OUTCOMES FOR*  
 5       *INDIVIDUALS RECEIVING SERVICES FROM DESIGNATED*  
 6       *STATE AGENCIES AND AIVRS GRANTEES.*—

7               “(1) *IN GENERAL.*—*The Commissioner shall*  
 8       *award a grant, contract, or cooperative agreement to*  
 9       *an eligible entity to support a training and technical*  
 10       *assistance program that—*

11               “(A) *responds to agency specific informa-*  
 12       *tion requests concerning high-quality employ-*  
 13       *ment outcomes, from designated State agencies*  
 14       *and recipients of American Indian vocational re-*  
 15       *habilitation service grants funded under part C*  
 16       *of title I (referred to in this subsection as*  
 17       *‘AIVRS grantees’), including—*

18               “(i) *requests for information on the ex-*  
 19       *pansion of self-employment, business owner-*  
 20       *ship, business development opportunities,*  
 21       *and other types of entrepreneurial employ-*  
 22       *ment opportunities for individuals with dis-*  
 23       *abilities;*

24               “(ii) *requests for information on the*  
 25       *expansion and improvement of services to*

1 *facilitate the transition of students with dis-*  
2 *abilities from school to postsecondary life,*  
3 *including competitive integrated employ-*  
4 *ment;*

5 “(iii) requests for examples of policies,  
6 practices, procedures, or regulations that  
7 have enhanced or may enhance access to  
8 funding for assistive technology devices and  
9 assistive technology services for individuals  
10 with disabilities;

11 “(iv) requests for information on effec-  
12 tive approaches to enhance informed choice  
13 and a consumer-directed State vocational  
14 rehabilitation system;

15 “(v) requests for assistance developing  
16 corrective action plans;

17 “(vi) requests for assistance in devel-  
18 oping and implementing effective data col-  
19 lection and reporting systems that measure  
20 the outcomes of the vocational rehabilitation  
21 services, and preparing reports for the Com-  
22 missioner as described in section 106(b)(1);  
23 and

24 “(vii) requests for information on effec-  
25 tive approaches that enhance employment

1           *outcomes for individuals with disabilities,*  
2           *including conducting outreach and forming*  
3           *partnerships with business and industry;*  
4           *and*

5           “(B) provides agency specific, regional, and  
6           national training and technical assistance con-  
7           cerning vocational rehabilitation services and re-  
8           lated information to designated State agencies  
9           and AIVRS grantees, including—

10           “(i) facilitating on-site and electronic  
11           information sharing using state-of-the-art  
12           technologies, such as real-time on-line dis-  
13           cussions, multipoint video conferencing, and  
14           web-based audio/video broadcasts, on emerg-  
15           ing topics that affect vocational rehabilita-  
16           tion programs authorized under title I;

17           “(ii) enabling the designated State  
18           agencies and AIVRS grantees to coordinate  
19           training and data collection efforts with  
20           one-stop centers established under section  
21           221(e) of the Workforce Investment Act of  
22           2013;

23           “(iii) enabling the designated State  
24           agencies and AIVRS grantees to provide in-  
25           formation on how the vocational rehabilita-

1            *tion programs authorized under title I can*  
2            *provide technical assistance to the one-stop*  
3            *centers on making programs offered through*  
4            *the centers physically and program-*  
5            *matically accessible to individuals with dis-*  
6            *abilities;*

7            *“(iv) sharing evidence-based and prom-*  
8            *ising practices among the vocational reha-*  
9            *bilitation programs;*

10           *“(v) maintaining an accessible website*  
11           *that includes links to—*

12                   *“(I) the vocational rehabilitation*  
13                   *programs;*

14                   *“(II) appropriate Federal depart-*  
15                   *ments and agencies, and private asso-*  
16                   *ciations;*

17                   *“(III) State assistive technology*  
18                   *device and assistive technology service*  
19                   *demonstration programs, device loan*  
20                   *programs, device reutilization pro-*  
21                   *grams, alternative financing systems,*  
22                   *or State financing activities, operated*  
23                   *through, or independently of, com-*  
24                   *prehensive statewide programs of tech-*  
25                   *nology-related assistance carried out*



1           *under section 4 of the Assistive Tech-*  
2           *nology Act of 1998 (29 U.S.C. 3003),*  
3           *telework programs, and other programs*  
4           *that provide sources of funding for as-*  
5           *sistive technology devices; and*

6                     *“(IV) various programs, including*  
7                     *programs with tax credits, available to*  
8                     *employers for hiring or accommodating*  
9                     *employees who are individuals with*  
10                    *disabilities;*

11                    *“(vi) enhancing employment outcomes*  
12                    *for individuals with mental illness and in-*  
13                    *dividuals with cognitive disabilities, par-*  
14                    *ticularly in competitive integrated employ-*  
15                    *ment;*

16                    *“(vii) convening experts from the voca-*  
17                    *tional rehabilitation programs to discuss*  
18                    *and make recommendations with regard to*  
19                    *the employment of individuals with disabil-*  
20                    *ities and national emerging issues of impor-*  
21                    *tance to individuals with vocational reha-*  
22                    *bilitation needs;*

23                    *“(viii) enabling the designated State*  
24                    *agencies and AIVRS grantees to provide*  
25                    *practical information on effective ap-*

1            *proaches for business and industry to use in*  
 2            *employing individuals with disabilities, in-*  
 3            *cluding provision of reasonable accommoda-*  
 4            *tions;*

5            *“(ix) providing information on other*  
 6            *emerging issues concerning the delivery of*  
 7            *publicly funded employment and training*  
 8            *services and supports to assist individuals*  
 9            *with disabilities to enter the workforce,*  
 10           *achieve improved employment outcomes,*  
 11           *and become economically self-sufficient; and*

12           *“(x) carrying out such other activities*  
 13           *as the Commissioner may require.*

14           *“(2) ELIGIBLE ENTITIES.—In this subsection,*  
 15           *the term ‘eligible entity’ means an entity that has—*

16           *“(A) experience and expertise in admin-*  
 17           *istering vocational rehabilitation services;*

18           *“(B) documented experience with and*  
 19           *knowledge about self-employment, business own-*  
 20           *ership, business development, and other types of*  
 21           *entrepreneurial employment opportunities and*  
 22           *outcomes for individuals with disabilities, pro-*  
 23           *viding transition services for students with dis-*  
 24           *abilities, and assistive technology;*

1           “(C) the expertise necessary to identify the  
2           additional data elements needed to provide com-  
3           prehensive reporting of activities and outcomes  
4           of the vocational rehabilitation programs author-  
5           ized under title I, and experience in utilizing  
6           data to provide annual reports; and

7           “(D) personnel with the skill and back-  
8           ground necessary to provide guidance or train-  
9           ing to entities carrying out programs authorized  
10          under section 121.

11          “(3) COLLABORATION.—In developing and pro-  
12          viding training and technical assistance under this  
13          subsection, a recipient of a grant, contract, or cooper-  
14          ative agreement under this subsection shall collaborate  
15          with other entities or individuals, in particular—

16               “(A) agencies carrying out vocational reha-  
17               bilitation programs under title I (including the  
18               programs authorized under section 121) and na-  
19               tional organizations representing such programs;

20               “(B) organizations representing individuals  
21               with disabilities;

22               “(C) organizations representing State offi-  
23               cials and agencies engaged in the delivery of as-  
24               sistive technology;

1           “(D) relevant employees from Federal de-  
 2           partments and agencies other than the Depart-  
 3           ment of Labor;

4           “(E) representatives of businesses;

5           “(F) individuals with disabilities, including  
 6           individuals who use assistive technology and un-  
 7           derstand the barriers to the acquisition of such  
 8           technology and related services; and

9           “(G) family members, guardians, advocates,  
 10          and authorized representatives of such individ-  
 11          uals.

12          “(4) *RULE OF CONSTRUCTION.*—The training  
 13          and technical assistance provided under this sub-  
 14          section may be delivered through the technical assist-  
 15          ance and continuing education centers funded under  
 16          this title.”;

17          (5) in subsection (f)(2), as redesignated by para-  
 18          graph (3)—

19                (A) in subparagraph (E), by striking “and”  
 20                after the semicolon;

21                (B) by redesignating subparagraph (F) as  
 22                subparagraph (G); and

23                (C) by inserting after subparagraph (E) the  
 24                following:

1           “(F) to provide support and guidance in  
 2           helping individuals with significant disabilities,  
 3           including students with disabilities, transition to  
 4           competitive integrated employment; and”; and  
 5           (6) by striking subsection (h), as redesignated by  
 6           paragraph (3), and inserting the following:

7           “(h) *AUTHORIZATION OF APPROPRIATIONS.*—

8           “(1) *IN GENERAL.*—For the purpose of carrying  
 9           out this section there are authorized to be appro-  
 10          priated such sums as may be necessary for each of fis-  
 11          cal years 2014 through 2018.

12          “(2) *RESERVATIONS.*—Of the sums appropriated  
 13          under paragraph (1) for a fiscal year, the Secretary  
 14          may reserve not more than \$500,000 to carry out sub-  
 15          section (e).”.

16   **SEC. 543. MIGRANT AND SEASONAL FARMWORKERS.**

17          Section 304 (29 U.S.C. 774) is amended—

18          (1) in subsection (a)—

19                  (A) in paragraph (1), by striking “of  
 20                  Labor”; and

21                  (B) in paragraph (5), by striking “the  
 22                  Workforce Investment Act of 1998” and inserting  
 23                  “the Workforce Investment Act of 2013”; and

1           (2) *in subsection (b), by striking “fiscal years*  
 2           *1999 through 2003” and inserting “fiscal years 2014*  
 3           *through 2018”.*

4   **SEC. 544. RECREATIONAL PROGRAMS.**

5           *Section 305 (29 U.S.C. 776) is amended—*

6           (1) *in subsection (a)(1)(B), by striking “con-*  
 7           *struction of facilities for aquatic rehabilitation ther-*  
 8           *apy,”; and*

9           (2) *in subsection (b), by striking “fiscal years*  
 10          *1999 through 2003” and inserting “fiscal years 2014*  
 11          *through 2018”.*

12       ***Subtitle E—National Council on***  
 13       ***Disability***

14   **SEC. 551. ESTABLISHMENT.**

15          (a) *IN GENERAL.*—*Section 400 (29 U.S.C. 780) is*  
 16          *amended—*

17               (1) *in subsection (a)(1)(A), by striking “fifteen”*  
 18               *and inserting “9”; and*

19               (2) *in subsection (d), by striking “Eight” and*  
 20               *inserting “Five”.*

21          (b) *EFFECTIVE DATE.*—*This section takes effect 3*  
 22          *years after the date of enactment of this Act.*

23   **SEC. 552. REPORT.**

24          *Section 401 (29 U.S.C. 781) is amended—*

25               (1) *in subsection (a)—*

1           (A) in paragraph (1), by striking “National  
2           Institute on Disability and Rehabilitation Re-  
3           search” and inserting “National Institute on  
4           Disability, Independent Living, and Rehabilita-  
5           tion Research”;

6           (B) in paragraph (2), by striking “Reha-  
7           bilitation Services Administration” and insert-  
8           ing “Disability Employment Services and Sup-  
9           ports Administration”;

10          (C) by inserting “the appropriate Assistant  
11          Secretary of the Department of Labor,” after  
12          “the appropriate Assistant Secretary of the De-  
13          partment of Education,”; and

14          (D) in paragraph (8), by inserting “of  
15          Labor” after “Secretary”; and  
16          (2) by striking subsection (c).

17 **SEC. 553. AUTHORIZATION OF APPROPRIATIONS.**

18          Section 405 (29 U.S.C. 785) is amended by striking  
19          “fiscal years 1999 through 2003” and inserting “fiscal  
20          years 2014 through 2018”.

21          ***Subtitle F—Rights and Advocacy***

22 **SEC. 556. INTERAGENCY COMMITTEE, BOARD, AND COUN-**  
23 **CIL.**

24          (a) INTERAGENCY COMMITTEE.—Section 501 (29  
25          U.S.C. 791) is amended—

1           (1) *by striking subsection (f); and*

2           (2) *by redesignating subsection (g) as subsection*

3           *(f).*

4           ***(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS***

5           ***COMPLIANCE BOARD.***—Section 502(j) (29 U.S.C. 792(j)) *is*

6           *amended by striking “1999 through 2003” and inserting*

7           *“2014 through 2018”.*

8           ***(c) PROGRAM OR ACTIVITY.***—Section 504(b)(2)(B) (29

9           U.S.C. 794(b)(2)(B)) *is amended by striking “vocational*

10          *education” and inserting “career and technical education”.*

11          ***(d) INTERAGENCY DISABILITY COORDINATING COUN-***

12          ***CIL.***—Section 507(a) (29 U.S.C. 794c(a)) *is amended by*

13          *inserting “the Chairperson of the National Council on Dis-*

14          *ability,” before “and such other”.*

15          ***SEC. 557. PROTECTION AND ADVOCACY OF INDIVIDUAL***

16                               ***RIGHTS.***

17          Section 509 (29 U.S.C. 794e) *is amended—*

18                       (1) *in subsection (c)(1)(A), by inserting “a grant*

19                       *or contract for” before “training”;*

20                       (2) *in subsection (f)—*

21                               (A) *in paragraph (2),—*

22                                       (i) *by striking “general” and all that*

23                                       *follows through “records” and inserting*

24                                       *“general authorities (including rights and*



1                   remedies), including the authority to access  
2                   records”; and

3                   (ii) by inserting “of title I” after “sub-  
4                   title C”; and

5                   (B) in paragraph (3), by striking “author-  
6                   ity” and inserting “authority (including the  
7                   right)”;

8                   (3) in subsection (g)(2), by striking “was paid.”  
9                   and inserting “was paid, except that program income  
10                  generated from the amount paid to an eligible system  
11                  for a fiscal year shall remain available to such system  
12                  for the following 2 fiscal years.”;

13                  (4) in subsection (l), by striking “1999 through  
14                  2003” and inserting “2014 through 2018”;

15                  (5) by redesignating subsections (l) and (m) as  
16                  subsections (m) and (n), respectively; and

17                  (6) by inserting after subsection (k) the fol-  
18                  lowing:

19                  “(l) *SYSTEM AUTHORITY.*—For purposes of serving  
20                  persons eligible for services under this section, an eligible  
21                  system shall have the same general authorities, including  
22                  access to records, as the system is afforded under subtitle  
23                  C of title I of the Developmental Disabilities Assistance and  
24                  Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), as

1 *determined by the Commissioner of the Administration on*  
 2 *Developmental Disabilities.”.*

3 **SEC. 558. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
 4 **ITIES AT WAGES BELOW MINIMUM WAGE.**

5 (a) *IN GENERAL.*—Title V (29 U.S.C. 791 *et seq.*) is  
 6 amended by adding at the end the following:

7 **“SEC. 511. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
 8 **ITIES AT A SUBMINIMUM WAGE.**

9 “(a) *IN GENERAL.*—An entity, including a contractor  
 10 or subcontractor of the entity, may not employ an indi-  
 11 vidual with a disability at a wage (referred to in this sec-  
 12 tion as a ‘subminimum wage’) that is less than the Federal  
 13 minimum wage, unless the entity has complied with the re-  
 14 quirements of section 14(c) of the Fair Labor Standards  
 15 Act of 1938 (29 U.S.C. 214(c)), and any of the following  
 16 additional conditions is met:

17 “(1) *The individual is currently employed, as of*  
 18 *the effective date of this section, by an entity that*  
 19 *holds a valid certificate pursuant to section 14(c) of*  
 20 *the Fair Labor Standards Act of 1938 (referred to in*  
 21 *this section as a ‘certificate holder’).*

22 “(2) *The individual is older than age 24 on the*  
 23 *date when the individual begins employment at a*  
 24 *subminimum wage.*

1           “(3) *The individual is age 24 or younger and,*  
2           *before beginning work at a subminimum wage, has*  
3           *completed, and produces documentation indicating*  
4           *completion of, each of the following 3 actions:*

5                   “(A) *The individual has received pre-em-*  
6                   *ployment transition services that are available to*  
7                   *the individual under section 114, or transition*  
8                   *services under the Individuals with Disabilities*  
9                   *Education Act (20 U.S.C. 1400 et seq.) such as*  
10                   *transition services available to the individual*  
11                   *under section 614(d) of that Act (20 U.S.C.*  
12                   *1414(d)).*

13                   “(B) *The individual has applied for voca-*  
14                   *tional rehabilitation services under title I, with*  
15                   *the result that—*

16                           “(i) *the individual has been found in-*  
17                           *eligible for the services pursuant to that*  
18                           *title; or*

19                           “(ii)(I) *the individual has been deter-*  
20                           *mined to be eligible for vocational rehabili-*  
21                           *tation services;*

22                           “(II) *the individual has an individual-*  
23                           *ized plan for employment under section*  
24                           *102;*

1           “(III) the individual has been working  
2           toward an employment outcome specified in  
3           such individualized plan for employment,  
4           with appropriate supports and services, for  
5           a reasonable period of time without success;  
6           and

7           “(IV) the individual’s vocational reha-  
8           bilitation case is closed after the individ-  
9           ual’s qualified vocational rehabilitation  
10          counselor and the individual both agree that  
11          continued efforts by the individual to work  
12          toward an employment outcome, as defined  
13          in section 7, at the present time will likely  
14          not be successful.

15          “(C) The individual (with, in an appro-  
16          priate case, the individual’s parent or guard-  
17          ian)—

18               “(i) has been provided career coun-  
19               seling, and information and referrals to  
20               Federal and State programs and other re-  
21               sources in the individual’s geographic area  
22               that offer employment-related services and  
23               supports designed to enable the individual  
24               to explore, discover, experience, and attain  
25               competitive integrated employment;

1                   “(ii) understands the conditions under  
 2                   which a subminimum wage may be paid;  
 3                   and

4                   “(iii) consents to work for the employer  
 5                   and be paid a subminimum wage.

6                   “(4) The individual, regardless of age, is receiv-  
 7                   ing work readiness or job training services provided  
 8                   by a certificate holder, as part of the individual’s  
 9                   preparation for competitive integrated employment,  
 10                  for—

11                  “(A) a period of not more than 6 months;  
 12                  or

13                  “(B) a longer period, if the individual wish-  
 14                  es to continue to receive such services after an  
 15                  initial 6-month period and is reassessed by the  
 16                  agency referring the individual for such services,  
 17                  or an appropriate entity, not less often than  
 18                  every 6 months, to determine the individual’s  
 19                  ability to transition to competitive integrated  
 20                  employment.

21                  “(b) CONSTRUCTION.—

22                  “(1) SERVICES.—Nothing in subsection (a)(3)(B)  
 23                  shall be construed to prohibit a designated State unit  
 24                  from allowing an individual to receive work readiness

1       or job training services provided by a certificate hold-  
2       er, for a period of not more than 6 months.

3               “(2) *RULE.*—Nothing in this section shall be  
4       construed as changing the purpose of this Act de-  
5       scribed in section 2(b)(1), to empower individuals  
6       with disabilities to maximize opportunities for com-  
7       petitive integrated employment.

8               “(c) *DURING EMPLOYMENT.*—

9               “(1) *IN GENERAL.*—The entity described in sub-  
10      section (a) may not continue to employ an individual  
11      at a subminimum wage unless, after the individual  
12      begins work at that wage, at the intervals described  
13      in paragraph (2), the individual (with, in an appro-  
14      priate case, the individual’s parent or guardian)—

15              “(A) is provided career counseling, and in-  
16      formation and referrals described in subsection  
17      (a)(3)(C)(i), delivered in a manner that facili-  
18      tates independent decisionmaking and informed  
19      choice, as the individual makes decisions regard-  
20      ing employment and career advancement; and

21              “(B) is informed by the employer of self-ad-  
22      vocacy, self-determination, and peer mentoring  
23      training opportunities available in the individ-  
24      ual’s geographic area, provided by an entity that  
25      does not have any financial interest in the indi-

1           *vidual's employment outcome, under applicable*  
 2           *Federal and State programs or other sources.*

3           “(2) *TIMING.*—*The actions required under sub-*  
 4           *paragraphs (A) and (B) of paragraph (1) shall be*  
 5           *carried out once every 6 months for the first year of*  
 6           *the individual's employment at a subminimum wage,*  
 7           *and annually thereafter for the duration of such em-*  
 8           *ployment.*

9           “(3) *SMALL BUSINESS EXCEPTION.*—*In the event*  
 10          *that the entity described in subsection (a) is a busi-*  
 11          *ness with fewer than 15 employees, such entity can*  
 12          *satisfy the requirements of subparagraphs (A) and*  
 13          *(B) of paragraph (1) by referring the individual, at*  
 14          *the intervals described in paragraph (2), to the des-*  
 15          *ignated State unit for the counseling, information,*  
 16          *and referrals described in subparagraph (A) and the*  
 17          *information described in subparagraph (B).*

18          “(d) *DOCUMENTATION.*—

19               “(1) *IN GENERAL.*—*The designated State unit,*  
 20               *in consultation with the State educational agency,*  
 21               *shall develop a new process or utilize an existing*  
 22               *process, consistent with guidelines developed by the*  
 23               *Secretary, to document the completion of the actions*  
 24               *described in subparagraphs (A), (B), and (C) of sub-*

1        *section (a)(3) by a youth with a disability who is an*  
2        *individual with a disability.*

3                *“(2) DOCUMENTATION PROCESS.—Such process*  
4        *shall require that—*

5                *“(A) in the case of a student with a dis-*  
6        *ability, for documentation of actions described in*  
7        *subsection (a)(3)(A)—*

8                *“(i) if such a student with a disability*  
9        *receives and completes each category de-*  
10       *scribed in clauses (i) through (v) of section*  
11       *7(30)(B) of available pre-employment tran-*  
12       *sition services, such completion of services*  
13       *shall be documented by the designated State*  
14       *unit in a manner consistent with this sec-*  
15       *tion;*

16               *“(ii) if such a student with a disability*  
17       *receives and completes any transition serv-*  
18       *ices available for students with disabilities*  
19       *under the Individuals with Disabilities*  
20       *Education Act, including those provided*  
21       *under section 614(d)(1)(A)(i)(VIII) (20*  
22       *U.S.C. 1414(d)(1)(A)(i)(VIII)), such com-*  
23       *pletion of services shall be documented by*  
24       *the appropriate school official responsible*  
25       *for the provision of such transition services*



1           *for students with disabilities in the school*  
 2           *or school district, in a manner consistent*  
 3           *with this section; and*

4           “(iii) a *Local Pre-Employment Tran-*  
 5           *sition Coordinator shall provide the final*  
 6           *documentation, in a form and manner con-*  
 7           *sistent with this section, of the completion of*  
 8           *pre-employment transition services as de-*  
 9           *scribed in clause (i), or transition services*  
 10           *under the Individuals with Disabilities*  
 11           *Education Act as described in clause (ii), to*  
 12           *the student with a disability within a rea-*  
 13           *sonable period of time following the comple-*  
 14           *tion; and*

15           “(B) *when an individual has completed the*  
 16           *actions described in subsection (a)(3)(C), fol-*  
 17           *lowing the completion of the actions described in*  
 18           *subparagraphs (A) and (B) of subsection (a)(3),*  
 19           *the designated State unit shall provide the indi-*  
 20           *vidual a document indicating such completion,*  
 21           *in a manner consistent with this section, within*  
 22           *a reasonable time period following the comple-*  
 23           *tion of the actions described in this subpara-*  
 24           *graph.*

25           “(e) *VERIFICATION.—*

1           “(1) *BEFORE EMPLOYMENT.*—*Before an indi-*  
2           *vidual covered by subsection (a)(3) begins work for an*  
3           *employer at a subminimum wage, the employer shall*  
4           *review the documentation received by the individual*  
5           *under subsection (d), and provided by the individual*  
6           *to the employer, that indicates that the individual has*  
7           *completed the actions described in subparagraphs (A),*  
8           *(B), and (C) of subsection (a)(3) and the employer*  
9           *shall maintain copies of the documentation.*

10           “(2) *DURING EMPLOYMENT.*—*In order to con-*  
11           *tinue to employ an individual at a subminimum*  
12           *wage, the employer shall verify completion of the re-*  
13           *quirements of subsection (c), including reviewing any*  
14           *relevant documents provided by the individual, and*  
15           *shall maintain copies of the documentation.*

16           “(f) *FEDERAL MINIMUM WAGE.*—*In this section, the*  
17           *term ‘Federal minimum wage’ means the rate applicable*  
18           *under section 6(a)(1) of the Fair Labor Standards Act of*  
19           *1938 (29 U.S.C. 206(a)(1)).”.*

20           “(b) *EFFECTIVE DATE.*—*This section takes effect 2*  
21           *years after the date of enactment of the Workforce Invest-*  
22           *ment Act of 2013.*

1 ***Subtitle G—Employment Opportuni-***  
 2 ***ties for Individuals With Dis-***  
 3 ***abilities***

4 ***SEC. 561. PROJECTS WITH INDUSTRY.***

5 *Section 611 (29 U.S.C. 795) is amended—*

6 *(1) in subsection (a)—*

7 *(A) in paragraph (1)—*

8 *(i) by striking “in the competitive”*  
 9 *and inserting “in competitive integrated*  
 10 *employment in the”;*

11 *(ii) by striking “private industry” and*  
 12 *inserting “large businesses or groups of*  
 13 *businesses”;* and

14 *(iii) by inserting “locally” after “ca-*  
 15 *reer advancement”;*

16 *(B) in paragraph (2)—*

17 *(i) in the matter preceding subpara-*  
 18 *graph (A)—*

19 *(I) by striking “of Labor”;*

20 *(II) by striking “individual em-*  
 21 *ployers, community” and inserting*  
 22 *“consortia that include at least 1 busi-*  
 23 *ness or group of businesses, an institu-*  
 24 *tion of higher education, and such or-*  
 25 *ganizations as community”;*

1                   (III) by striking “jointly financed  
 2                   *Projects With Industry to create*” and  
 3                   inserting “regional and national pub-  
 4                   lic-private partnerships that create”;  
 5                   and

6                   (IV) by inserting “in competitive  
 7                   integrated employment” after “career  
 8                   opportunities”;

9                   (ii) by striking subparagraph (A) and  
 10                  inserting the following:

11                  “(A)(i) identify hiring needs of the participant  
 12                  businesses; and

13                  “(ii) identify partners to assist with—

14                         “(I) recruitment;

15                         “(II) hiring;

16                         “(III) professional development;

17                         “(IV) workplace accommodations;

18                         “(V) benefits counseling; and

19                         “(VI) other services needed to support  
 20                         individual employees;”;

21                  (iii) by striking subparagraphs (B)

22                  and (C) and inserting the following:

23                  “(B) to the extent appropriate, provide for—

24                         “(i) career exploration and on-the-job train-  
 25                         ing to prepare individuals with disabilities for

1           *employment and career advancement in the com-*  
 2           *petitive market; and*

3           “(ii) *paid internships for individuals with*  
 4           *disabilities who seek employment; and*”; and

5           (iv) *by redesignating subparagraph*  
 6           *(D) as subparagraph (C);*

7           (C) *by striking paragraph (3) and inserting*  
 8           *the following:*

9           “(3) *A person with a disability, as defined under sec-*  
 10          *tion 3 of the Americans with Disabilities Act of 1990 (42*  
 11          *U.S.C. 12102), shall be considered an eligible individual for*  
 12          *purposes of this part.*”; and

13           (D) *in paragraph (4), in the second sen-*  
 14          *tence, by striking “the appropriate designated*  
 15          *State unit and the individuals with disabilities*  
 16          *(or the individuals’ representatives) involved.”*  
 17          *and inserting “the appropriate designated State*  
 18          *unit.”; and*

19          (2) *in subsection (e)(2)—*

20           (A) *by striking “, to the extent practicable,*  
 21          *ensure an equitable distribution of payments*  
 22          *made under this section among the States. To the*  
 23          *extent funds are available, the Commissioner*  
 24          *shall” and inserting “, to the extent funds are*  
 25          *available,”; and*

1           (B) by striking “in States, portions of  
 2           States, Indian tribes, or tribal organizations”  
 3           and inserting “nationally or in States, in por-  
 4           tions of States, across multiple States, or in In-  
 5           dian tribes or tribal organizations”.

6 **SEC. 562. AUTHORIZATION OF APPROPRIATIONS.**

7           Section 612 (29 U.S.C. 795a) is amended by striking  
 8           “fiscal years 1999 through 2003” and inserting “fiscal  
 9           years 2014 through 2018”.

10 **SEC. 563. SUPPORTED EMPLOYMENT SERVICES.**

11           Part B of title VI (29 U.S.C. 795g) is amended to read  
 12           as follows:

13 **“PART B—SUPPORTED EMPLOYMENT SERVICES**  
 14 **FOR INDIVIDUALS WITH THE MOST SIGNIFI-**  
 15 **CANT DISABILITIES**

16 **“SEC. 621. PURPOSE.**

17           *“It is the purpose of this part to authorize allotments,*  
 18 *in addition to grants for vocational rehabilitation services*  
 19 *under title I, to assist States in developing collaborative*  
 20 *programs with appropriate entities to provide supported*  
 21 *employment services for individuals with the most signifi-*  
 22 *cant disabilities, including youth with the most significant*  
 23 *disabilities, to enable such individuals to achieve an em-*  
 24 *ployment outcome of supported employment in competitive*  
 25 *integrated employment.*

1 **“SEC. 622. ALLOTMENTS.**

2 “(a) *IN GENERAL.*—

3 “(1) *STATES.*—*The Secretary shall allot the*  
 4 *sums appropriated for each fiscal year to carry out*  
 5 *this part among the States on the basis of relative*  
 6 *population of each State, except that—*

7 “(A) *no State shall receive less than*  
 8 *\$250,000, or  $\frac{1}{3}$  of 1 percent of the sums appro-*  
 9 *priated for the fiscal year for which the allot-*  
 10 *ment is made, whichever amount is greater; and*

11 “(B) *if the sums appropriated to carry out*  
 12 *this part for the fiscal year exceed the sums ap-*  
 13 *propriated to carry out this part for fiscal year*  
 14 *1992 by \$1,000,000 or more, no State shall re-*  
 15 *ceive less than \$300,000, or  $\frac{1}{3}$  of 1 percent of the*  
 16 *sums appropriated for the fiscal year for which*  
 17 *the allotment is made, whichever amount is*  
 18 *greater.*

19 “(2) *CERTAIN TERRITORIES.*—

20 “(A) *IN GENERAL.*—*For the purposes of this*  
 21 *subsection, Guam, American Samoa, the United*  
 22 *States Virgin Islands, and the Commonwealth of*  
 23 *the Northern Mariana Islands shall not be con-*  
 24 *sidered to be States.*

25 “(B) *ALLOTMENT.*—*Each jurisdiction de-*  
 26 *scribed in subparagraph (A) shall be allotted not*

1           *less than  $\frac{1}{8}$  of 1 percent of the amounts appro-*  
2           *priated for the fiscal year for which the allot-*  
3           *ment is made.*

4           “(b) *REALLOTMENT.*—Whenever the Commissioner de-  
5           *termines that any amount of an allotment to a State under*  
6           *subsection (a) for any fiscal year will not be expended by*  
7           *such State for carrying out the provisions of this part, the*  
8           *Commissioner shall make such amount available for car-*  
9           *rying out the provisions of this part to 1 or more of the*  
10          *States that the Commissioner determines will be able to use*  
11          *additional amounts during such year for carrying out such*  
12          *provisions. Any amount made available to a State for any*  
13          *fiscal year pursuant to the preceding sentence shall, for the*  
14          *purposes of this section, be regarded as an increase in the*  
15          *allotment of the State (as determined under the preceding*  
16          *provisions of this section) for such year.*

17          “(c) *LIMITATIONS ON ADMINISTRATIVE COSTS.*—A  
18          *State that receives an allotment under this part shall not*  
19          *use more than 5 percent of the funds made available through*  
20          *the allotment to pay for administrative costs.*

21          “(d) *SERVICES FOR YOUTH WITH THE MOST SIGNIFI-*  
22          *CANT DISABILITIES.*—A State that receives an allotment  
23          *under this part shall reserve and expend half of the allot-*  
24          *ment for the provision of supported employment services,*  
25          *including extended services, to youth with the most signifi-*



1 cant disabilities in order to assist those youth to achieve  
 2 an employment outcome in supported employment.

3 **“SEC. 623. AVAILABILITY OF SERVICES.**

4 “(a) *SUPPORTED EMPLOYMENT SERVICES.—Funds*  
 5 *provided under this part may be used to provide supported*  
 6 *employment services to individuals who are eligible under*  
 7 *this part.*

8 “(b) *EXTENDED SERVICES.—*

9 “(1) *IN GENERAL.—Except as provided in para-*  
 10 *graph (2), funds provided under this part, or title I,*  
 11 *may not be used to provide extended services to indi-*  
 12 *viduals under this part or title I.*

13 “(2) *EXTENDED SERVICES FOR YOUTH WITH*  
 14 *THE MOST SIGNIFICANT DISABILITIES.—Funds allot-*  
 15 *ted under this part, or title I, and used for the provi-*  
 16 *sion of services under this part to youth with the most*  
 17 *significant disabilities pursuant to section 622(d),*  
 18 *may be used to provide extended services to youth*  
 19 *with the most significant disabilities. Such extended*  
 20 *services shall be available for a period not to exceed*  
 21 *4 years.*

22 **“SEC. 624. ELIGIBILITY.**

23 “*An individual, including a youth with a disability,*  
 24 *shall be eligible under this part to receive supported employ-*  
 25 *ment services authorized under this part if—*

1           “(1) *the individual is eligible for vocational re-*  
2           *habilitation services under title I;*

3           “(2) *the individual is determined to be an indi-*  
4           *vidual with a most significant disability;*

5           “(3) *for purposes of activities carried out with*  
6           *funds described in section 622(d), the individual is a*  
7           *youth with a disability, as defined in section (7)(42);*  
8           *and*

9           “(4) *a comprehensive assessment of the rehabili-*  
10          *tation needs of the individual described in section*  
11          *7(2)(B), including an evaluation of rehabilitation, ca-*  
12          *reer, and job needs, identifies supported employment*  
13          *as the appropriate employment outcome for the indi-*  
14          *vidual.*

15   **“SEC. 625. STATE PLAN.**

16          “(a) *STATE PLAN SUPPLEMENTS.—To be eligible for*  
17          *an allotment under this part, a State shall submit to the*  
18          *Commissioner, as part of the State plan under section 101,*  
19          *a State plan supplement for providing supported employ-*  
20          *ment services authorized under this Act to individuals, in-*  
21          *cluding youth with the most significant disabilities, who*  
22          *are eligible under this Act to receive the services. Each State*  
23          *shall make such annual revisions in the plan supplement*  
24          *as may be necessary.*

25          “(b) *CONTENTS.—Each such plan supplement shall—*

1           “(1) designate each designated State agency as  
2           the agency to administer the program assisted under  
3           this part;

4           “(2) summarize the results of the comprehensive,  
5           statewide assessment conducted under section  
6           101(a)(15)(A)(i), with respect to the rehabilitation  
7           needs of individuals, including youth, with signifi-  
8           cant disabilities and the need for supported employ-  
9           ment services, including needs related to coordination;

10          “(3) describe the quality, scope, and extent of  
11          supported employment services authorized under this  
12          Act to be provided to individuals, including youth  
13          with the most significant disabilities, who are eligible  
14          under this Act to receive the services and specify the  
15          goals and plans of the State with respect to the dis-  
16          tribution of funds received under section 622;

17          “(4) demonstrate evidence of the efforts of the  
18          designated State agency to identify and make ar-  
19          rangements (including entering into cooperative  
20          agreements) with other State agencies and other ap-  
21          propriate entities to assist in the provision of sup-  
22          ported employment services;

23          “(5) demonstrate evidence of the efforts of the  
24          designated State agency to identify and make ar-  
25          rangements (including entering into cooperative

1       *agreements) with other public or nonprofit agencies or*  
2       *organizations within the State, employers, natural*  
3       *supports, and other entities with respect to the provi-*  
4       *sion of extended services;*

5               *“(6) describe the activities to be conducted pur-*  
6       *suant to section 622(d) for youth with the most sig-*  
7       *nificant disabilities, including—*

8                       *“(A) the provision of extended services for a*  
9       *period not to exceed 4 years; and*

10                      *“(B) how the State will use the funds re-*  
11       *served in section 622(d) to leverage other public*  
12       *and private funds to increase resources for ex-*  
13       *tended services and expand supported employ-*  
14       *ment opportunities for youth with the most sig-*  
15       *nificant disabilities;*

16               *“(7) provide assurances that—*

17                      *“(A) funds made available under this part*  
18       *will only be used to provide supported employ-*  
19       *ment services authorized under this Act to indi-*  
20       *viduals who are eligible under this part to re-*  
21       *ceive the services;*

22                      *“(B) the comprehensive assessments of indi-*  
23       *viduals with significant disabilities, including*  
24       *youth with the most significant disabilities, con-*  
25       *ducted under section 102(b)(1) and funded under*

1       *title I will include consideration of supported*  
2       *employment as an appropriate employment out-*  
3       *come;*

4               “(C) *an individualized plan for employ-*  
5       *ment, as required by section 102, will be devel-*  
6       *oped and updated using funds under title I in*  
7       *order to—*

8               “(i) *specify the supported employment*  
9       *services to be provided, including, as appro-*  
10       *priate, for youth with the most significant*  
11       *disabilities, transition services, and pre-em-*  
12       *ployment transition services provided in ac-*  
13       *cordance with sections 101(a)(25) and 114;*

14              “(ii) *specify the expected extended serv-*  
15       *ices needed, including the extended services*  
16       *that may be provided to youth with the*  
17       *most significant disabilities under this part,*  
18       *in accordance with an approved individual-*  
19       *ized plan for employment, for a period not*  
20       *to exceed 4 years; and*

21              “(iii) *identify, as appropriate, the*  
22       *source of extended services, which may in-*  
23       *clude natural supports, or indicate that it*  
24       *is not possible to identify the source of ex-*

1           *tended services at the time the individual-*  
2           *ized plan for employment is developed;*

3           *“(D) the State will use funds provided*  
4           *under this part only to supplement, and not sup-*  
5           *plant, the funds provided under title I, in pro-*  
6           *viding supported employment services specified*  
7           *in the individualized plan for employment;*

8           *“(E) services provided under an individual-*  
9           *ized plan for employment will be coordinated*  
10          *with services provided under other individual-*  
11          *ized plans established under other Federal or*  
12          *State programs;*

13          *“(F) to the extent jobs skills training is pro-*  
14          *vided, the training will be provided onsite;*

15          *“(G) supported employment services will in-*  
16          *clude placement in an integrated setting based*  
17          *on the unique strengths, resources, priorities,*  
18          *concerns, abilities, capabilities, interests, and in-*  
19          *formed choice of individuals with the most sig-*  
20          *nificant disabilities;*

21          *“(H) the State agencies designated under*  
22          *paragraph (1) will expend not more than 5 per-*  
23          *cent of the allotment of the State under this part*  
24          *for administrative costs of carrying out this*  
25          *part; and*

1           “(I) with respect to supported employment  
 2           services provided to youth with the most signifi-  
 3           cant disabilities pursuant to section 622(d), the  
 4           designated State agency will provide, directly or  
 5           indirectly through public or private entities,  
 6           non-Federal contributions in an amount that is  
 7           not less than 10 percent of the costs of carrying  
 8           out such services; and

9           “(8) contain such other information and be sub-  
 10          mitted in such manner as the Commissioner may re-  
 11          quire.

12   **“SEC. 626. RESTRICTION.**

13          “Each State agency designated under section 625(b)(1)  
 14          shall collect the information required by section 101(a)(10)  
 15          separately for—

16               “(1) eligible individuals receiving supported em-  
 17               ployment services under this part;

18               “(2) eligible individuals receiving supported em-  
 19               ployment services under title I;

20               “(3) eligible youth receiving supported employ-  
 21               ment services under this part; and

22               “(4) eligible youth receiving supported employ-  
 23               ment services under title I.

1 **“SEC. 627. SAVINGS PROVISION.**

2       “(a) *SUPPORTED EMPLOYMENT SERVICES.*—*Nothing*  
3 *in this Act shall be construed to prohibit a State from pro-*  
4 *viding supported employment services in accordance with*  
5 *the State plan submitted under section 101 by using funds*  
6 *made available through a State allotment under section*  
7 *110.*

8       “(b) *POSTEMPLOYMENT SERVICES.*—*Nothing in this*  
9 *part shall be construed to prohibit a State from providing*  
10 *discrete postemployment services in accordance with the*  
11 *State plan submitted under section 101 by using funds*  
12 *made available through a State allotment under section 110*  
13 *to an individual who is eligible under this part.*

14 **“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

15       *“There is authorized to be appropriated to carry out*  
16 *this part, including for technical assistance, such sums as*  
17 *may be necessary for each of fiscal years 2014 through*  
18 *2018.”.*



1 ***Subtitle H—Independent Living***  
 2 ***Services and Centers for Inde-***  
 3 ***pendent Living***

4 ***CHAPTER 1—INDIVIDUALS WITH***  
 5 ***SIGNIFICANT DISABILITIES***

6 ***Subchapter A—General Provisions***

7 ***SEC. 571. PURPOSE.***

8 *Section 701 (29 U.S.C. 796) is amended, in paragraph*  
 9 *(3), by inserting before the period the following: “, with the*  
 10 *goal of improving the independence of and equal oppor-*  
 11 *tunity for individuals with disabilities”.*

12 ***SEC. 572. INDEPENDENT LIVING ADMINISTRATION.***

13 *Title VII (29 U.S.C. 796 et seq.) is amended by insert-*  
 14 *ing after section 701 the following:*

15 ***“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.***

16 *“(a) ESTABLISHMENT.—In order to promote the phi-*  
 17 *losophy and purpose of section 701, there is established*  
 18 *within the Administration for Community Living of the*  
 19 *Department of Health and Human Services, an Inde-*  
 20 *pendent Living Administration.*

21 *“(b) DIRECTOR.—*

22 *“(1) APPOINTMENT.—The Independent Living*  
 23 *Administration shall be headed by a Director (re-*  
 24 *ferred to in this title as the ‘ILA Director’) appointed*  
 25 *by the Secretary of Health and Human Services.*

1           “(2) *QUALIFICATIONS.*—*The ILA Director shall*  
2           *have substantial knowledge of independent living serv-*  
3           *ices.*

4           “(3) *AUTHORITIES.*—*The Independent Living*  
5           *Administration shall be the principal agency, and the*  
6           *ILA Director shall be the principal officer, to carry*  
7           *out this chapter. In performing the functions of the*  
8           *office, the ILA Director shall be directly responsible to*  
9           *the Administrator for the Administration for Commu-*  
10          *nity Living of the Department of Health and Human*  
11          *Services.*

12          “(c) *GENERAL COUNSEL.*—*The Office of the General*  
13          *Counsel of the Department of Health and Human Services*  
14          *shall designate 1 or more individuals, with substantial*  
15          *background and experience in, and knowledge of, inde-*  
16          *pendent living services, centers for independent living, and*  
17          *Statewide Independent Living Councils, under this chapter,*  
18          *to provide advice, support, and technical assistance to the*  
19          *ILA Director.*

20          “(d) *INPUT.*—*The ILA Director shall have the author-*  
21          *ity to seek such input and advice, including convening*  
22          *meetings, as the ILA Director determines to be appropriate*  
23          *with respect to the policies and conduct of the Independent*  
24          *Living Administration.*

25          “(e) *STAFF.*—*The Secretary shall ensure that—*

1           “(1) *the Independent Living Administration has*  
 2           *sufficient staff to provide oversight of, conduct audit-*  
 3           *ing of, and provide technical assistance to, the centers*  
 4           *for independent living and Statewide Independent*  
 5           *Living Councils funded under this Act; and*

6           “(2) *such staff includes qualified individuals*  
 7           *who have significant experience with centers for inde-*  
 8           *pendent living or Statewide Independent Living*  
 9           *Councils described in section 705.”.*

10 **SEC. 573. DEFINITIONS.**

11           *Section 702 (29 U.S.C. 796a) is amended—*

12           *(1) in paragraph (1)—*

13                   *(A) in the matter before subparagraph (A),*  
 14                   *by inserting “for individuals with significant*  
 15                   *disabilities (regardless of age or income)” before*  
 16                   *“that—”;*

17                   *(B) in subparagraph (A), by striking “and”*  
 18                   *at the end;*

19                   *(C) in subparagraph (B), by striking the*  
 20                   *period and inserting “, including, at a min-*  
 21                   *imum, independent living core services as de-*  
 22                   *finied in section 7(17); and”;* and

23                   *(D) by adding at the end the following:*

24                   *“(C) has sufficient staff to provide the serv-*  
 25                   *ices described in subparagraph (B).”;* and

1           (2) in paragraph (2), by striking the period and  
2           inserting the following: “, both in terms of—

3                   “(A) the management, staffing, decision-  
4                   making, and operation of the center; and

5                   “(B) the center’s establishment of policies,  
6                   direction, and provision of services.”.

7   **SEC. 574. STATE PLAN.**

8           Section 704 (29 U.S.C. 796c) is amended—

9           (1) in subsection (a)—

10                   (A) in paragraph (1)—

11                           (i) by inserting after “State plan” the  
12                           following: “developed and signed in accord-  
13                           ance with paragraph (2),”; and

14                           (ii) by striking “Commissioner” each  
15                           place it appears and inserting “ILA Direc-  
16                           tor”;

17                   (B) in paragraph (2)—

18                           (i) in the matter preceding subpara-  
19                           graph (A), by striking “developed and  
20                           signed by”; and

21                           (ii) by striking subparagraphs (A) and  
22                           (B) and inserting the following:

23                           “(A) developed by the chairperson of the  
24                           Statewide Independent Living Council, and the  
25                           directors of the centers for independent living in

1        *the State, after receiving public input from indi-*  
 2        *viduals with disabilities and other stakeholders*  
 3        *throughout the State; and*

4                *“(B) signed by—*

5                    *“(i) the chairperson of the Statewide*  
 6                    *Independent Living Council, acting on be-*  
 7                    *half of and at the direction of the Council;*

8                    *“(ii) the director of the designated*  
 9                    *State entity described in subsection (c); and*

10                   *“(iii) not less than 51 percent of the*  
 11                   *directors of the centers for independent liv-*  
 12                   *ing in the State.”;*

13                *(C) in paragraph (3)—*

14                   *(i) in subparagraph (A), by striking*  
 15                   *“State independent living services” and in-*  
 16                   *serting “independent living services in the*  
 17                   *State”;*

18                   *(ii) in subparagraph (B), by striking*  
 19                   *“and” at the end; and*

20                   *(iii) by striking subparagraph (C) and*  
 21                   *inserting the following:*

22                   *“(C) working relationships and collabora-*  
 23                   *tion between—*

24                   *“(i) centers for independent living; and*

1                   “(ii)(I) entities carrying out programs  
2                   that provide independent living services, in-  
3                   cluding those serving older individuals;

4                   “(II) other community-based organiza-  
5                   tions that provide or coordinate the provi-  
6                   sion of housing, transportation, employ-  
7                   ment, information and referral assistance,  
8                   services, and supports for individuals with  
9                   significant disabilities; and

10                  “(III) entities carrying out other pro-  
11                  grams providing services for individuals  
12                  with disabilities; and

13                  “(D) cooperative agreements and partner-  
14                  ships to provide a seamless model for provision  
15                  of services to individuals with disabilities and to  
16                  avoid duplication of services.”;

17                  (D) in paragraph (4), by striking “Com-  
18                  missioner” each place it appears and inserting  
19                  “ILA Director”; and

20                  (E) by adding at the end the following:

21                  “(5) STATEWIDENESS.—The State plan shall  
22                  provide for the provision of independent living serv-  
23                  ices on a statewide basis, to the greatest extent pos-  
24                  sible, including through the establishment of addi-  
25                  tional centers for independent living, expanded

1       *catchment areas, or focused outreach to serve under-*  
 2       *served populations.”;*

3               *(2) in subsection (b), by striking the period and*  
 4       *inserting the following: “, as well as a plan for fund-*  
 5       *ing the administrative costs of the Council.”;*

6               *(3) in subsection (c)—*

7                       *(A) in the subsection heading, by striking*  
 8       *“UNIT” and inserting “ENTITY”;*

9                       *(B) in the matter preceding paragraph (1),*  
 10       *by striking “the designated State unit of such*  
 11       *State” and inserting “a State entity of such*  
 12       *State (referred to in this title as the ‘designated*  
 13       *State entity’);”;*

14                      *(C) in paragraphs (3) and (4), by striking*  
 15       *“Commissioner” each place it appears and in-*  
 16       *serting “ILA Director”;*

17                      *(D) in paragraph (3), by striking “and” at*  
 18       *the end;*

19                      *(E) in paragraph (4), by striking the period*  
 20       *and inserting “; and”; and*

21                      *(F) by adding at the end the following:*

22                               *“(5) retain not more than 15 percent of the*  
 23       *funds received by the State for any fiscal year under*  
 24       *part B, for the performance of the services outlined in*  
 25       *paragraphs (1) through (4).”;*

1           (4) in subsection (i), by striking paragraphs (1)  
2           and (2) and inserting the following:

3           “(1) the Statewide Independent Living Council;

4           “(2) centers for independent living;

5           “(3) the designated State entity; and

6           “(4) other State agencies or entities represented  
7           on the Council, other councils that address the needs  
8           and issues of specific disability populations, and  
9           other public and private entities determined to be ap-  
10          propriate by the Council.”;

11          (5) in subsection (m)—

12                (A) in paragraph (4), by striking “Commis-  
13               sioner” each place it appears and inserting  
14                “ILA Director”; and

15                (B) in paragraph (5), by striking “Commis-  
16               sioner” and inserting “ILA Director”; and

17          (6) by adding at the end the following:

18          “(o) *PROMOTING FULL ACCESS TO COMMUNITY*  
19          *LIFE.*—

20                “(1) *IN GENERAL.*—The plan shall describe how  
21               the State will provide independent living services that  
22               promote full access to community life for individuals  
23               with significant disabilities.

24                “(2) *SERVICES.*—The services shall include—



1           “(A) *facilitating transitions of individuals*  
 2           *with significant disabilities from nursing homes*  
 3           *and other institutions, to home and community-*  
 4           *based residences, with the requisite supports and*  
 5           *services;*

6           “(B) *providing assistance to individuals*  
 7           *with significant disabilities that are at risk of*  
 8           *entering institutions so that the individuals may*  
 9           *remain in the community; and*

10           “(C) *facilitating transitions of youth (in-*  
 11           *cluding students) who are individuals with sig-*  
 12           *nificant disabilities, who were eligible for indi-*  
 13           *vidualized education programs under section*  
 14           *614(d) of the Individuals with Disabilities Edu-*  
 15           *cation Act (20 U.S.C. 1414(d)), and who have*  
 16           *completed their secondary education or otherwise*  
 17           *left school, to postsecondary life, including em-*  
 18           *ployment.”.*

19 **SEC. 575. STATEWIDE INDEPENDENT LIVING COUNCIL.**

20           *Section 705 (29 U.S.C. 796d) is amended—*

21           *(1) in subsection (b)—*

22                   *(A) by striking paragraph (2) and inserting*  
 23           *the following:*

24           “(2) **COMPOSITION.**—*The Council shall in-*  
 25           *clude—*

1           “(A) among its voting members, at least 1  
 2           director of a center for independent living chosen  
 3           by the directors of centers for independent living  
 4           within the State;

5           “(B) among its voting members, for a State  
 6           in which 1 or more centers for independent liv-  
 7           ing are run by, or in conjunction with, the gov-  
 8           erning bodies of American Indian tribes located  
 9           on Federal or State reservations, at least 1 rep-  
 10          resentative of the directors of the centers; and

11          “(C) as *ex officio*, nonvoting members, a  
 12          representative of the designated State entity, and  
 13          representatives from State agencies that provide  
 14          services for individuals with disabilities.”;

15          (B) in paragraph (3)—

16               (i) by redesignating subparagraphs (C)  
 17               through (F) as subparagraphs (D) through  
 18               (G), respectively;

19               (ii) in subparagraph (B), by striking  
 20               “parents and guardians of”; and

21               (iii) by inserting after paragraph (B)  
 22               the following:

23               “(C) parents and guardians of individuals  
 24               with disabilities.”;

1           (C) in paragraph (5)(B), by striking “para-  
2           graph (3)” and inserting “paragraph (1)”; and

3           (D) in paragraph (6), by striking subpara-  
4           graph (B) and inserting the following:

5           “(B) *NUMBER OF TERMS.*—No member of  
6           the Council, other than a representative described  
7           in paragraph (2)(A) if there is only one center  
8           for independent living within the State, may  
9           serve more than 2 consecutive full terms.”;

10          (2) by striking subsection (c) and inserting the  
11          following:

12          “(c) *FUNCTIONS.*—

13               “(1) *DUTIES.*—The Council shall—

14                   “(A) in conjunction with the directors of the  
15                   centers for independent living in the State, joint-  
16                   ly develop the State plan as provided in section  
17                   704(a)(2), and sign the State plan;

18                   “(B) monitor, review, and evaluate the im-  
19                   plementation of the State plan;

20                   “(C) have at least 4 regularly scheduled  
21                   meetings per year, and ensure that such meetings  
22                   of the Council are open to the public and suffi-  
23                   cient advance notice of such meetings is pro-  
24                   vided;

1           “(D) submit to the ILA Director such peri-  
 2           odic reports as the ILA Director may reasonably  
 3           request, and keep such records, and afford such  
 4           access to such records, as the ILA Director finds  
 5           necessary to verify the information in such re-  
 6           ports; and

7           “(E) as appropriate, coordinate activities  
 8           with other entities in the State that provide serv-  
 9           ices similar to or complementary to independent  
 10          living services, such as entities that facilitate the  
 11          provision of or provide long-term community-  
 12          based services and supports.

13          “(2) *AUTHORITIES.*—The Council may, con-  
 14          sistent with the State plan described in section 704,  
 15          unless prohibited by State law—

16               “(A) facilitate the improvement and coordi-  
 17               nation of services provided to individuals with  
 18               disabilities by centers for independent living,  
 19               government agencies, and community organiza-  
 20               tions;

21               “(B) conduct resource development activities  
 22               to obtain funding from public and private re-  
 23               sources to support the activities described in this  
 24               subsection or to support the provision of inde-

1        *pendent living services by centers for inde-*  
 2        *pendent living; and*

3                *“(C) perform such other functions, con-*  
 4        *sistent with the purpose of this chapter and com-*  
 5        *parable to other functions described in this sub-*  
 6        *section, as the Council determines to be appro-*  
 7        *priate.*

8                *“(3) LIMITATION.—The Council shall not provide*  
 9        *independent living services directly to individuals*  
 10        *with significant disabilities or manage such serv-*  
 11        *ices.”;*

12                *(3) in subsection (e)—*

13                *(A) in paragraph (1), in the first sentence,*  
 14        *by striking “prepare” and all that follows*  
 15        *through “a plan” and inserting “prepare, in*  
 16        *conjunction with the designated State entity (as*  
 17        *necessary), a plan”;* and

18                *(B) in paragraph (3), by striking “State*  
 19        *agency” and inserting “State entity”;* and

20                *(4) in subsection (f)—*

21                *(A) by striking “such resources” and insert-*  
 22        *ing “available resources”;* and

23                *(B) by striking “(including” and all that*  
 24        *follows through “compensation” and inserting*

1           “(such as personal assistance services), and to  
2           pay reasonable compensation”.

3   **SEC. 575A. RESPONSIBILITIES OF THE ILA DIRECTOR.**

4           Section 706 (29 U.S.C. 796d–1) is amended—

5           (1) by striking the title of the section and insert-  
6           ing the following:

7   **“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

8           (2) in subsection (a)—

9           (A) in paragraph (1), by striking “Commis-  
10          sioner” each place it appears and inserting  
11          “ILA Director”; and

12          (B) in paragraph (2)—

13           (i) in subparagraph (A), by striking  
14          “Commissioner” and inserting “ILA Direc-  
15          tor”; and

16          (ii) in subparagraph (B)—

17           (I) in clause (i)—

18           (aa) by striking “Secretary”  
19          and inserting “Secretary or the  
20          Commissioner”; and

21           (bb) by striking “to the Com-  
22          missioner; and” and inserting “to  
23          the ILA Director.”;

24           (II) by redesignating clause (ii)  
25          as clause (iii); and

1                   (III) by inserting after clause (i)  
2                   the following:

3                   “(ii) to the State agency shall be  
4                   deemed to be references to the designated  
5                   State entity; and”;

6                   (3) by striking subsection (b) and inserting the  
7                   following:

8                   “(b) INDICATORS.—Not later than 1 year after the date  
9                   of enactment of the Workforce Investment Act of 2013, the  
10                  ILA Director shall develop and publish in the Federal Reg-  
11                  ister indicators of minimum compliance for centers for  
12                  independent living (consistent with the standards set forth  
13                  in section 725), and indicators of minimum compliance for  
14                  Statewide Independent Living Councils.”;

15                  (4) in subsection (c)—

16                   (A) in paragraph (1)—

17                   (i) by striking “Commissioner” each  
18                   place it appears and inserting “ILA Direc-  
19                   tor”; and

20                   (ii) by striking the last sentence;

21                   (B) in paragraph (2)—

22                   (i) in the matter preceding subpara-  
23                   graph (A), by striking “Commissioner” and  
24                   inserting “ILA Director”;

- 1                   (ii) in subparagraph (A), by striking  
 2                   “such a review” and inserting “a review de-  
 3                   scribed in paragraph (1)”; and  
 4                   (iii) in subparagraphs (A) and (B), by  
 5                   striking “Department” each place it ap-  
 6                   pears and inserting “Independent Living  
 7                   Administration”; and  
 8                   (5) by striking subsection (d).

9       **Subchapter B—Independent Living Services**

10   **SEC. 576. ADMINISTRATION.**

11       (a) *ALLOTMENTS*.—Section 711 (29 U.S.C. 796e) is  
 12   amended—

13               (1) in subsection (a)—

14                   (A) in paragraph (1)(A)—

15                               (i) by striking “Except” and inserting  
 16                               “After the reservation required by section  
 17                               711A is made, and except”; and

18                               (ii) by inserting “the remainder of  
 19                               the” before “sums appropriated”; and

20                   (B) in paragraph (2)(B), by striking  
 21                   “amounts made available for purposes of this  
 22                   part” and inserting “remainder described in  
 23                   paragraph (1)(A)”; and



1           (2) *in subsections (a), (b), and (c), by striking*  
 2           *“Commissioner” each place it appears and inserting*  
 3           *“ILA Director”; and*

4           (3) *by adding at the end the following:*

5           “(d) *ADMINISTRATION.—Funds allotted or made avail-*  
 6           *able to a State under this section shall be administered by*  
 7           *the designated State entity, in accordance with the ap-*  
 8           *proved State plan.”.*

9           (b) *TRAINING AND TECHNICAL ASSISTANCE.—Part B*  
 10          *of chapter 1 of title VII is amended by inserting after sec-*  
 11          *tion 711 (29 U.S.C. 796e) the following:*

12       **“SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.**

13           “(a) *IN GENERAL.—From the funds appropriated to*  
 14           *carry out this part for any fiscal year, beginning with fiscal*  
 15           *year 2014, the ILA Director shall first reserve not less than*  
 16           *1.8 percent and not more than 2 percent of the funds to*  
 17           *provide training and technical assistance to Statewide*  
 18           *Independent Living Councils for such fiscal year.*

19           “(b) *ALLOCATION.—From the funds reserved under*  
 20           *subsection (a), the ILA Director shall make grants to, and*  
 21           *enter into contracts and other arrangements with, entities*  
 22           *that have experience in the operation of Statewide Inde-*  
 23           *pendent Living Councils to provide such training and tech-*  
 24           *nical assistance with respect to developing, conducting, ad-*

1 *ministering, and evaluating Statewide Independent Living*  
 2 *Councils.*

3       “(c) *FUNDING PRIORITIES.*—*The ILA Director shall*  
 4 *conduct a survey of Statewide Independent Living Councils*  
 5 *regarding training and technical assistance needs in order*  
 6 *to determine funding priorities for such grants, contracts,*  
 7 *or other arrangements.*

8       “(d) *REVIEW.*—*To be eligible to receive a grant or*  
 9 *enter into a contract or other arrangement under this sec-*  
 10 *tion, such an entity shall submit an application to the ILA*  
 11 *Director at such time, in such manner, and containing a*  
 12 *proposal to provide such training and technical assistance,*  
 13 *and containing such additional information as the ILA Di-*  
 14 *rector may require. The ILA Director shall provide for peer*  
 15 *review of grant applications by panels that include persons*  
 16 *who are not government employees and who have experience*  
 17 *in the operation of Statewide Independent Living Coun-*  
 18 *cils.”.*

19       “(c) *PAYMENTS.*—*Section 712(a) (29 U.S.C. 796e–1(a))*  
 20 *is amended by striking “Commissioner” and inserting*  
 21 *“ILA Director.”*

22       “(d) *AUTHORIZED USES OF FUNDS.*—*Section 713 (29*  
 23 *U.S.C. 796e–2) is amended—*

24               (1) *by striking the matter preceding paragraph*

25               (1) *and inserting the following:*

1       “(a) *IN GENERAL.*—*The State may use funds received*  
 2 *under this part to provide the resources described in section*  
 3 *705(e) (but may not use more than 30 percent of the funds*  
 4 *paid to the State under section 712 for such resources unless*  
 5 *the State specifies that a greater percentage of the funds*  
 6 *is needed for such resources in a State plan approved under*  
 7 *section 706), relating to the Statewide Independent Living*  
 8 *Council, may retain funds under section 704(c)(5), and*  
 9 *shall distribute the remainder of the funds received under*  
 10 *this part in a manner consistent with the approved State*  
 11 *plan for the activities described in subsection (b).*

12       “(b) *ACTIVITIES.*—*The State may use the remainder*  
 13 *of the funds described in subsection (a)—”; and*

14               (2) *in paragraph (1), by inserting “, particu-*  
 15 *larly those in unserved areas of the State” after “dis-*  
 16 *abilities”.*

17       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
 18 *714 (29 U.S.C. 796e-3) is amended by striking “1999*  
 19 *through 2003” and inserting “2014 through 2018”.*

20       ***Subchapter C—Centers for Independent***  
 21                               ***Living***

22       ***SEC. 581. PROGRAM AUTHORIZATION.***

23       *Section 721 (29 U.S.C. 796f) is amended—*

24               (1) *in subsection (a)—*

1           (A) by striking “1999” and inserting  
2           “2014”;

3           (B) by striking “Commissioner shall allot”  
4           and inserting “ILA Director shall make avail-  
5           able”; and

6           (C) by inserting “, centers for independent  
7           living,” after “States”;

8           (2) in subsection (b)—

9           (A) in paragraph (1)—

10           (i) by striking “For” and all that fol-  
11           lows through “Commissioner” and inserting  
12           “From the funds appropriated to carry out  
13           this part for any fiscal year, beginning with  
14           fiscal year 2014, the ILA Director”;

15           (ii) by striking “reserve from such ex-  
16           cess” and inserting “reserve not less than  
17           1.8 percent and not more than 2 percent of  
18           the funds”; and

19           (iii) by striking “eligible agencies” and  
20           all that follows and inserting “centers for  
21           independent living and eligible agencies for  
22           such fiscal year.”;

23           (B) in paragraph (2)—

24           (i) by striking “Commissioner” and  
25           inserting “ILA Director”; and

1                   (ii) by inserting “fiscal management  
2                   of,” before “planning,”;

3                   (C) in paragraphs (3), (4), and (5), by  
4                   striking “Commissioner” each place it appears  
5                   and inserting “ILA Director”; and

6                   (D) in paragraph (3), by striking “State-  
7                   wide Independent Living Councils and”;

8                   (3) in subsection (c), by striking “Commis-  
9                   sioner” each place it appears and inserting “ILA Di-  
10                  rector”;

11                  (4) in subsection (d), by striking “Commis-  
12                  sioner” each place it appears and inserting “ILA Di-  
13                  rector”; and

14                  (5) by adding at the end the following:

15                  “(e) CARRYOVER AUTHORITY.—Notwithstanding any  
16                  other provision of law—

17                         “(1) any funds appropriated for a fiscal year to  
18                         carry out a grant program under section 722 or 723,  
19                         that are not obligated and expended by the recipients  
20                         prior to the beginning of the succeeding fiscal year  
21                         shall remain available for obligation and expenditure  
22                         by such recipients during that succeeding fiscal year  
23                         and the subsequent fiscal year; and

24                         “(2) any amounts of program income received by  
25                         recipients under a grant program under section 722

1       or 723 in a fiscal year, that are not obligated and ex-  
 2       pended by the recipients prior to the beginning of the  
 3       succeeding fiscal year, shall remain available for obli-  
 4       gation and expenditure by such recipients during that  
 5       succeeding fiscal year and the subsequent fiscal  
 6       year.”.

7   **SEC. 582. CENTERS.**

8       (a) *CENTERS IN STATES IN WHICH FEDERAL FUND-*  
 9   *ING EXCEEDS STATE FUNDING.*—Section 722 (29 U.S.C.  
 10   796f–1) is amended—

11           (1) in subsections (a), (b), and (c), by striking  
 12       “Commissioner” each place it appears and inserting  
 13       “ILA Director”;

14           (2) in subsection (c)—

15               (A) by striking “grants” and inserting  
 16       “grants for a fiscal year”; and

17               (B) by striking “by September 30, 1997”  
 18       and inserting “for the preceding fiscal year”;

19           (3) in subsection (d)—

20               (A) in paragraph (1)—

21                   (i) by striking “Commissioner” and  
 22       inserting “ILA Director”; and

23                   (ii) by striking “region, consistent”  
 24       and all that follows and inserting “region.  
 25       The ILA Director’s determination of the

1           *most qualified applicant shall be consistent*  
 2           *with the provisions in the State plan setting*  
 3           *forth the design of the State for establishing*  
 4           *a statewide network of centers for inde-*  
 5           *pendent living.”; and*

6           *(B) in paragraph (2)—*

7                 *(i) in the matter preceding subpara-*  
 8                 *graph (A), by striking “Commissioner” and*  
 9                 *inserting “ILA Director”; and*

10                *(ii) by striking subparagraph (A) and*  
 11                *inserting the following:*

12                *“(A) shall consider comments regarding the*  
 13                *application—*

14                    *“(i) by individuals with disabilities*  
 15                    *and other interested parties within the new*  
 16                    *region proposed to be served; and*

17                    *“(ii) if any, by the Statewide Inde-*  
 18                    *pendent Living Council in the State in*  
 19                    *which the applicant is located;”; and*

20                    *(iii) in subparagraph (C), by inserting*  
 21                    *“, and consistent with the other objectives of*  
 22                    *this chapter” before the period; and*

23                *(4) in subsections (e) and (g) by striking “Com-*  
 24                *missioner” each place it appears and inserting “ILA*  
 25                *Director.”.*

1       (b) *CENTERS IN STATES IN WHICH STATE FUNDING*  
 2 *EXCEEDS FEDERAL FUNDING.*—Section 723 (29 U.S.C.  
 3 796f-2) is amended—

4           (1) in subsections (a), (b), (g), (h), and (i), by  
 5 striking “Commissioner” each place it appears and  
 6 inserting “ILA Director”;

7           (2) in subsection (a), in the header of paragraph  
 8 (3), by striking “COMMISSIONER” and inserting “ILA  
 9 DIRECTOR”; and

10          (3) in subsection (c)—

11           (A) by striking “grants” and inserting  
 12 “grants for a fiscal year”; and

13           (B) by striking “by September 30, 1997”  
 14 and inserting “for the preceding fiscal year”.

15       (c) *CENTERS OPERATED BY STATE AGENCIES.*—Sec-  
 16 tion 724 (29 U.S.C. 796f-3) is amended—

17           (1) in the matter preceding paragraph (1)—

18           (A) by striking “1993” and inserting  
 19 “2013”;

20           (B) by striking “Rehabilitation Act Amend-  
 21 ments of 1998” and inserting “Workforce Invest-  
 22 ment Act of 2013”; and

23           (C) by striking “1994” and inserting  
 24 “2014”; and



1           (2) *by striking “Commissioner” each place it ap-*  
 2           *pears and inserting “ILA Director”.*

3   **SEC. 583. STANDARDS AND ASSURANCES.**

4           *Section 725 (29 U.S.C. 796f–4) is amended—*

5           *(1) in subsection (b)—*

6                   *(A) in paragraph (1)(D), by striking “to so-*  
 7                   *ciety” and inserting “, both within the commu-*  
 8                   *nity and throughout the United States,”; and*

9                   *(B) in paragraph (5), by inserting “(as de-*  
 10                   *finied in section 7(17))” after “core services”; and*

11           *(2) in subsection (c), by striking “Commis-*  
 12           *sioner” each place it appears and inserting “ILA Di-*  
 13           *rector”.*

14   **SEC. 584. AUTHORIZATION OF APPROPRIATIONS.**

15           *Section 727 (29 U.S.C. 796f–6) is amended by striking*  
 16           *“fiscal years 1999 through 2003” and inserting “fiscal*  
 17           *years 2014 through 2018”.*

18   **CHAPTER 2—INDEPENDENT LIVING SERV-**  
 19           **ICES FOR OLDER INDIVIDUALS WHO**  
 20           **ARE BLIND**

21   **SEC. 586. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
 22           **DIVIDUALS WHO ARE BLIND.**

23           *Chapter 2 of title VII (29 U.S.C. 796j et seq.) is*  
 24           *amended—*

1           (1) by redesignating sections 752 and 753 as sec-  
2           tions 753 and 754, respectively; and

3           (2) by inserting after section 751 the following:

4   **“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

5           “(a) *GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—*  
6   *For any fiscal year for which the funds appropriated to*  
7   *carry out this chapter exceed the funds appropriated to*  
8   *carry out this chapter for fiscal year 2008, the Commis-*  
9   *sioner shall first reserve from such excess, to provide train-*  
10   *ing and technical assistance to designated State agencies,*  
11   *or other providers of independent living services for older*  
12   *individuals who are blind, that are funded under this chap-*  
13   *ter for such fiscal year, not less than 1.8 percent, and not*  
14   *more than 2 percent, of the funds appropriated to carry*  
15   *out this chapter for the fiscal year involved.*

16          “(b) *ALLOCATION.—From the funds reserved under*  
17   *subsection (a), the Commissioner shall make grants to, and*  
18   *enter into contracts and other arrangements with, entities*  
19   *that demonstrate expertise in the provision of services to*  
20   *older individuals who are blind, to provide training and*  
21   *technical assistance with respect to planning, developing,*  
22   *conducting, administering, and evaluating independent liv-*  
23   *ing programs for older individuals who are blind.*

24          “(c) *FUNDING PRIORITIES.—The Commissioner shall*  
25   *conduct a survey of designated State agencies that receive*

1 *grants under section 753 regarding training and technical*  
 2 *assistance needs in order to determine funding priorities*  
 3 *for grants, contracts, and other arrangements under this*  
 4 *section.*

5       “(d) *APPLICATION.*—*To be eligible to receive a grant*  
 6 *or enter into a contract or other arrangement under this*  
 7 *section, an entity shall submit an application to the Com-*  
 8 *missioner at such time, in such manner, containing a pro-*  
 9 *posal to provide such training and technical assistance, and*  
 10 *containing such additional information as the Commis-*  
 11 *sioner may require.”.*

12 **SEC. 587. PROGRAM OF GRANTS.**

13       *Section 753 (29 U.S.C. 796k), as redesignated by sec-*  
 14 *tion 586, is amended—*

15               *(1) by striking subsection (h);*

16               *(2) by redesignating subsections (i) and (j) as*  
 17 *subsections (h) and (i), respectively;*

18               *(3) in subsection (b), by striking “section 753”*  
 19 *and inserting “section 754”;*

20               *(4) in subsection (c)—*

21                       *(A) in paragraph (1), by striking “section*  
 22 *753” and inserting “section 754”; and*

23                       *(B) in paragraph (2)—*

24                               *(i) by striking “subsection (j)” and in-*  
 25 *serting “subsection (i)”;* *and*

1                   (ii) by striking “subsection (i)” and  
2                   inserting “subsection (h)”;

3                   (5) in subsection (g), by inserting “, or contracts  
4                   with,” after “grants to”;

5                   (6) in subsection (h), as redesignated by para-  
6                   graph (2)—

7                   (A) in paragraph (1), by striking “sub-  
8                   section (j)(4)” and inserting “subsection (i)(4)”;  
9                   and

10                  (B) in paragraph (2)—

11                   (i) in subparagraph (A)(vi), by adding  
12                   “and” after the semicolon;

13                   (ii) in subparagraph (B)(ii)(III), by  
14                   striking “; and” and inserting a period;  
15                   and

16                   (iii) by striking subparagraph (C);  
17                   and

18                   (7) in subsection (i), as redesignated by para-  
19                   graph (2)—

20                   (A) by striking paragraph (2) and inserting  
21                   the following:

22                   “(2) MINIMUM ALLOTMENT.—

23                   “(A) STATES.—In the case of any of the  
24                   several States, the District of Columbia, or the  
25                   Commonwealth of Puerto Rico, the amount re-

ferred to in paragraph (1)(A) for a fiscal year  
is the greater of—

“(i) \$350,000;

“(ii) an amount equal to the amount  
the State, the District of Columbia, or the  
Commonwealth of Puerto Rico received to  
carry out this chapter for fiscal year 2008;  
or

“(iii) an amount equal to  $\frac{1}{3}$  of 1 per-  
cent of the amount appropriated under sec-  
tion 754, and not reserved under section  
752, for the fiscal year and available for al-  
lotments under subsection (a).

“(B) CERTAIN TERRITORIES.—In the case  
of Guam, American Samoa, the United States  
Virgin Islands, or the Commonwealth of the  
Northern Mariana Islands, the amount referred  
to in paragraph (1)(A) for a fiscal year is  
\$60,000.”;

(B) in paragraph (3)(A), by striking “sec-  
tion 753” and inserting “section 754, and not  
reserved under section 752,”; and

(C) in paragraph (4)(B)(i), by striking  
“subsection (i)” and inserting “subsection (h)”.

1 **SEC. 588. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
 2 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**  
 3 **OF APPROPRIATIONS.**

4 *Section 754 (29 U.S.C. 796l), as redesignated by sec-*  
 5 *tion 586, is amended by striking “fiscal years 1999 through*  
 6 *2003” and inserting “fiscal years 2014 through 2018”.*

7 **Subtitle I—Increasing Employment**  
 8 **Opportunities for Individuals**  
 9 **With Disabilities**

10 **SEC. 591. DISABILITY EMPLOYMENT.**

11 *(a) IN GENERAL.—The Rehabilitation Act of 1973 (29*  
 12 *U.S.C. 701 et seq.) is amended by adding at the end the*  
 13 *following:*

14 **“TITLE VIII—INCREASING EM-**  
 15 **PLOYMENT OPPORTUNITIES**  
 16 **FOR INDIVIDUALS WITH DIS-**  
 17 **ABILITIES**

18 **“SEC. 801. OFFICE OF DISABILITY EMPLOYMENT POLICY,**  
 19 **SERVICES, AND SUPPORTS.**

20 *“(a) PURPOSE.—The purpose of this section is to es-*  
 21 *tablish an Office of Disability Employment Policy, Serv-*  
 22 *ices, and Supports—*

23 *“(1) to help develop and support national poli-*  
 24 *cies and practices that will increase employment and*  
 25 *economic advancement opportunities for all individ-*  
 26 *uals with disabilities;*

1           “(2) to ensure that such individuals are fully in-  
2           tegrated into the 21st Century workforce; and

3           “(3) to help advance the purposes specified in  
4           section 2(b).

5           “(b) OFFICE.—There is established within the Depart-  
6           ment of Labor an Office of Disability Employment Policy,  
7           Services, and Supports (referred to in this section as the  
8           ‘Office’). Except as otherwise specifically provided in this  
9           Act, such Office shall be the principal entity carrying out  
10          the functions described in this section.

11          “(c) ASSISTANT SECRETARY.—

12           “(1) IN GENERAL.—The Office shall be headed by  
13           an Assistant Secretary of Disability Employment  
14           Policy, Services, and Supports (referred to in this  
15           title as the ‘Assistant Secretary’) appointed by the  
16           President by and with the advice and consent of the  
17           Senate. Except as otherwise specifically provided in  
18           this Act, the Assistant Secretary shall be the principal  
19           officer carrying out the functions described in this  
20           section.

21           “(2) EXPERIENCE.—The Assistant Secretary  
22           shall be an individual with experience in, and a thor-  
23           ough knowledge of, disability employment policy,  
24           training and educational opportunities for individ-  
25           uals with disabilities (including youth with disabil-

ities), public benefit programs for individuals with disabilities, job development, and the barriers that may limit employment and economic advancement opportunities of individuals with disabilities.

“(3) *GOALS AND DIRECTION.*—In carrying out the functions of the Office, the Assistant Secretary shall be guided by the goals of achieving equal opportunity, full participation, economic self-sufficiency, and independent living for all individuals with disabilities, to the greatest extent possible. In the performance of the functions of the Office, the Assistant Secretary shall be directly responsible to the Secretary of Labor.

“(d) *FUNCTIONS.*—

“(1) *IN GENERAL.*—The Assistant Secretary shall provide national leadership, and encourage interagency collaboration, on increasing employment and training opportunities for individuals with disabilities through the development of policies and initiatives (taking into account relevant information from other Federal agencies and including the awarding of grants as appropriate) that—

“(A) eliminate barriers to the employment and training of individuals with disabilities;



1           “(B) advance opportunities for employment,  
2           and identify strategies that increase employment  
3           opportunities in the private sector, for individ-  
4           uals with disabilities, including recruitment, re-  
5           tention, and promotion of such individuals;

6           “(C) identify and remove disincentives that  
7           limit or prevent the full employment of individ-  
8           uals with disabilities who are receiving benefits  
9           through Federal or State programs such as med-  
10          ical assistance under a State Medicaid program  
11          under title XIX of the Social Security Act (42  
12          U.S.C. 1396 et seq.), disability insurance benefits  
13          under title II of the Social Security Act (42  
14          U.S.C. 401 et seq.), or supplemental security in-  
15          come benefits under title XVI of the Social Secu-  
16          rity Act (42 U.S.C. 1381 et seq.);

17          “(D) advise and assist the Department of  
18          Labor and other Federal agencies in the develop-  
19          ment of policies and practices that increase em-  
20          ployment opportunities in the Federal Govern-  
21          ment for individuals with disabilities, including  
22          outreach to and recruitment, retention, and pro-  
23          motion of such individuals;

24          “(E) assist youth with disabilities, includ-  
25          ing such youth who are out-of-school youth, in

1       *successfully transitioning into competitive inte-*  
2       *grated employment;*

3               “(F) increase access for individuals with  
4       *disabilities seeking employment, education, and*  
5       *training services from a one-stop delivery system*  
6       *described in section 221(e) of the Workforce In-*  
7       *vestment Act of 2013, and other public and pri-*  
8       *vate providers of such services and supports;*

9               “(G) increase coordination of activities be-  
10       *tween State vocational rehabilitation programs*  
11       *and the workforce development systems (as de-*  
12       *finied in section 101 of such Act), including the*  
13       *one-stop centers (as defined in such section 101),*  
14       *including assisting individuals with disabilities*  
15       *in maximizing the services available through*  
16       *such programs, systems, and centers;*

17               “(H) leverage available public and system  
18       *resources to address individual and systematic*  
19       *employment barriers for individuals with dis-*  
20       *abilities, and assist such individuals in navi-*  
21       *gating the process of coordinating their public*  
22       *benefits, including health care;*

23               “(I) increase employment opportunities for  
24       *individuals with significant disabilities; and*

1           “(J) meet other objectives, as specified by  
 2           the Secretary of Labor, that will increase em-  
 3           ployment and training opportunities for individ-  
 4           uals with disabilities.

5           “(2) *LIMITED ENFORCEMENT AUTHORITY.*—The  
 6           Assistant Secretary does not have enforcement author-  
 7           ity, under Federal laws other than this Act, to carry  
 8           out the functions described in paragraph (1).

9           “(e) *REPORT.*—For each fiscal year, beginning with  
 10          the first full fiscal year following the date of enactment of  
 11          the Workforce Investment Act of 2013, the Secretary of  
 12          Labor shall prepare a report and submit the report to the  
 13          Committee on Education and the Workforce of the House  
 14          of Representatives and the Committee on Health, Edu-  
 15          cation, Labor, and Pensions of the Senate, not later than  
 16          90 days after the end of that fiscal year. The report shall  
 17          summarize the Office’s progress in—

18               “(1) meeting the general objectives specified in  
 19               paragraphs (1) and (2) of subsection (a);

20               “(2) meeting each of the 4 goals specified in sub-  
 21               section (c)(3); and

22               “(3) developing the specific policies and initia-  
 23               tives specified in subsection (d).

24           “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
 25          authorized to be appropriated to carry out this section such

1 *sums as may be necessary for each of fiscal years 2014*  
 2 *through 2018.*

3 **“SEC. 802. ADVISORY COMMITTEE ON INCREASING COM-**  
 4 **PETITIVE INTEGRATED EMPLOYMENT FOR IN-**  
 5 **DIVIDUALS WITH DISABILITIES.**

6 *“(a) ESTABLISHMENT.—Not later than 60 days after*  
 7 *the date of enactment of the Workforce Investment Act of*  
 8 *2013, the Secretary of Labor shall establish an Advisory*  
 9 *Committee on Increasing Competitive Integrated Employ-*  
 10 *ment for Individuals with Disabilities (referred to in this*  
 11 *section as the ‘Committee’).*

12 *“(b) APPOINTMENT AND VACANCIES.—*

13 *“(1) APPOINTMENT.—The Secretary of Labor*  
 14 *shall appoint the members of the Committee described*  
 15 *in subsection (c)(6), in accordance with subsection*  
 16 *(c). Each member so appointed shall be appointed for*  
 17 *a 2-year term.*

18 *“(2) VACANCIES.—Any vacancy in the Com-*  
 19 *mittee shall not affect its powers, but shall be filled*  
 20 *in the same manner, in accordance with the same*  
 21 *paragraph of subsection (c), as the original appoint-*  
 22 *ment or designation was made.*

23 *“(c) COMPOSITION.—The Committee shall be composed*  
 24 *of—*

1           “(1) *the Assistant Secretary of Disability Em-*  
 2           *ployment Policy, Services, and Supports, the Assist-*  
 3           *ant Secretary for Employment and Training, and the*  
 4           *Administrator of the Wage and Hour Division, of the*  
 5           *Department of Labor;*

6           “(2) *the Commissioner of the Administration on*  
 7           *Developmental Disabilities, or the Commissioner’s*  
 8           *designee;*

9           “(3) *the Director of the Centers for Medicare &*  
 10          *Medicaid Services of the Department of Health and*  
 11          *Human Services, or the Director’s designee;*

12          “(4) *the Commissioner of Social Security, or the*  
 13          *Commissioner’s designee;*

14          “(5) *the Commissioner of the Disability Employ-*  
 15          *ment Services and Supports Administration, or the*  
 16          *Commissioner’s designee; and*

17          “(6) *representatives from constituencies con-*  
 18          *sisting of—*

19                 “(A) *self-advocates for individuals with in-*  
 20                 *tellectual or developmental disabilities;*

21                 “(B) *providers of employment services, in-*  
 22                 *cluding those that employ individuals with intel-*  
 23                 *lectual or developmental disabilities in competi-*  
 24                 *tive integrated employment;*

1           “(C) *representatives of national disability*  
 2           *advocacy organizations for adults with intellec-*  
 3           *tual or developmental disabilities;*

4           “(D) *experts with a background in aca-*  
 5           *demia or research and expertise in employment*  
 6           *and wage policy issues for individuals with in-*  
 7           *tellectual or developmental disabilities;*

8           “(E) *representatives from the employer com-*  
 9           *munity or a national employer organization;*  
 10          *and*

11          “(F) *other individuals or representatives of*  
 12          *organizations with expertise on the issue of in-*  
 13          *creasing opportunities for competitive integrated*  
 14          *employment for individuals with disabilities.*

15          “(d) *CHAIRPERSON.—The Secretary of Labor shall*  
 16          *designate a Chairperson of the Committee from among the*  
 17          *appointed members of the Committee.*

18          “(e) *MEETINGS.—The Committee shall meet at the call*  
 19          *of the Chairperson, but not less often than 4 times per year.*

20          “(f) *DUTIES.—The Committee shall study, and pre-*  
 21          *pare findings, conclusions, and recommendations for the*  
 22          *Secretary of Labor on, ways to—*

23                 “(1) *reduce reliance on the use of the certificate*  
 24                 *program carried out under section 14(c) of the Fair*  
 25                 *Labor Standards Act of 1938 (29 U.S.C. 214(c)) for*

1     *the employment of individuals with intellectual or de-*  
 2     *velopmental disabilities, or other individuals with sig-*  
 3     *nificant disabilities, except in limited circumstances*  
 4     *or for training purposes;*

5             *“(2) increase the employment opportunities for*  
 6     *individuals described in paragraph (1) in competitive*  
 7     *integrated employment; and*

8             *“(3) increase oversight of and accountability for*  
 9     *the use of such certificates.*

10     *“(g) COMMITTEE PERSONNEL MATTERS.—*

11             *“(1) TRAVEL EXPENSES.—The members of the*  
 12     *Committee shall not receive compensation for the per-*  
 13     *formance of services for the Committee, but shall be*  
 14     *allowed travel expenses, including per diem in lieu of*  
 15     *subsistence, at rates authorized for employees of agen-*  
 16     *cies under subchapter I of chapter 57 of title 5,*  
 17     *United States Code, while away from their homes or*  
 18     *regular places of business in the performance of serv-*  
 19     *ices for the Committee. Notwithstanding section 1342*  
 20     *of title 31, United States Code, the Secretary may ac-*  
 21     *cept the voluntary and uncompensated services of*  
 22     *members of the Committee.*

23             *“(2) STAFF.—The Secretary of Labor may des-*  
 24     *ignate such personnel as may be necessary to enable*  
 25     *the Committee to perform its duties.*

1           “(3) *DETAIL OF GOVERNMENT EMPLOYEES.*—  
 2           *Any Federal Government employee, with the approval*  
 3           *of the head of the appropriate Federal agency, may*  
 4           *be detailed to the Committee without reimbursement,*  
 5           *and such detail shall be without interruption or loss*  
 6           *of civil service status or privilege.*

7           “(4) *FACILITIES, EQUIPMENT, AND SERVICES.*—  
 8           *The Secretary of Labor shall make available to the*  
 9           *Committee necessary office space and furnish the*  
 10           *Committee, under such arrangements respecting fi-*  
 11           *nancing as may be appropriate, with necessary*  
 12           *equipment, supplies, and services.*

13           “(h) *REPORTS.*—

14           “(1) *INTERIM AND FINAL REPORTS.*—*The Com-*  
 15           *mittee shall prepare and submit to the Secretary of*  
 16           *Labor, as well as the Committee on Health, Edu-*  
 17           *cation, Labor, and Pensions of the Senate and other*  
 18           *appropriate committees of Congress—*

19                   “(A) *an interim report that summarizes the*  
 20                   *progress of the Committee, along with any in-*  
 21                   *terim findings, conclusions, and recommenda-*  
 22                   *tions described in subsection (f); and*

23                   “(B) *a final report that summarizes that*  
 24                   *progress and states final findings, conclusions,*  
 25                   *and recommendations described in subsection (f).*



1           “(2) *PREPARATION AND SUBMISSION.*—*The re-*  
2       *ports shall be prepared and submitted—*

3                 “(A) *in the case of the interim report, not*  
4       *later than 1 year after the date on which the*  
5       *Committee first meets; and*

6                 “(B) *in the case of the final report, not later*  
7       *than 2 years after the date on which the Com-*  
8       *mittee first meets.*

9           “(i) *TERMINATION.*—*The Committee shall terminate*  
10   *on the day after the date on which the Committee submits*  
11   *the final report.*

12   **“SEC. 803. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING**  
13       **INDIVIDUALS WITH DISABILITIES.**

14         “(a) *IN GENERAL.*—*Not later than 120 days after the*  
15   *date of enactment of the Workforce Investment Act of 2013,*  
16   *the Secretary of Labor, acting through the Assistant Sec-*  
17   *retary and in coordination with the Commissioner of the*  
18   *Disability Employment Services and Supports Administra-*  
19   *tion, the Commissioner of Social Security, and the heads*  
20   *of other relevant Federal agencies and divisions of Federal*  
21   *agencies, shall develop and carry out public education cam-*  
22   *paigns that educate employers (including small businesses),*  
23   *employees (including individuals with disabilities), and*  
24   *members of the general public (including young adults) on*  
25   *the benefits of hiring individuals with disabilities. The pub-*

1 *lic education campaign for employers (including small*  
 2 *businesses) shall include information on—*

3           *“(1) the work opportunity credit under section*  
 4           *51 of the Internal Revenue Code of 1986; and*

5           *“(2) tax incentives available to businesses to help*  
 6           *cover the cost of improving accessibility, including—*

7                   *“(A) the disabled access credit under section*  
 8                   *44 of the Internal Revenue Code of 1986; and*

9                   *“(B) the tax deduction available under sec-*  
 10           *tion 190 of the Internal Revenue Code of 1986,*  
 11           *for expenses for architectural barrier removal.*

12       *“(b) EDUCATIONAL MATERIALS.—The public edu-*  
 13 *cation campaigns described in subsection (a) shall include,*  
 14 *as necessary, different educational materials in order to*  
 15 *adequately target and educate, small businesses, employers*  
 16 *generally, employees, and members of the general public, in-*  
 17 *cluding educational materials on work incentives that may*  
 18 *assist individuals with disabilities in leaving programs of*  
 19 *public benefits, entering the workforce, advancing their eco-*  
 20 *nomie status, and contributing to and participating more*  
 21 *fully in their communities.”.*

22       *(b) ELIMINATION OF TEXT ESTABLISHING EXISTING*  
 23 *OFFICE.—Title I of the Department of Labor Appropria-*  
 24 *tions Act, 2001, as enacted into law by section 1(a)(1) of*  
 25 *the Consolidated Appropriations Act, 2001 is amended, in*

1 *the matter under the header “SALARIES AND EXPENSES” in*  
 2 *the matter under the header “DEPARTMENTAL MANAGE-*  
 3 *MENT”, by striking “: Provided further, That beginning”*  
 4 *and all that follows through “this purpose”.*

5 (c) *REFERENCES.*—*A reference in any other Federal*  
 6 *law, Executive order, rule, regulation, or delegation of au-*  
 7 *thority, or any document of or relating to—*

8 (1) *the Assistant Secretary for Disability Em-*  
 9 *ployment Policy, shall be deemed to refer to the As-*  
 10 *stant Secretary of Disability Employment Policy,*  
 11 *Services, and Supports; and*

12 (2) *the Office of Disability Employment Policy,*  
 13 *shall be deemed to refer to the Office of Disability*  
 14 *Employment Policy, Services, and Supports.*

## 15 ***Subtitle J—General Provisions***

### 16 ***SEC. 596. TRANSFER OF FUNCTIONS TO DEPARTMENT OF*** 17 ***LABOR, AND SAVINGS PROVISIONS.***

18 (a) *DEFINITIONS.*—*For purposes of this section, unless*  
 19 *otherwise provided or indicated by the context—*

20 (1) *the term “Disability Employment Services*  
 21 *and Supports Administration” means the Disability*  
 22 *Employment Services and Supports Administration*  
 23 *of the Office of Disability Employment Policy, Serv-*  
 24 *ices, and Supports of the Department of Labor;*

1           (2) *the term “Federal agency” has the meaning*  
 2           *given to the term “agency” by section 551(1) of title*  
 3           *5, United States Code;*

4           (3) *the term “function” means any duty, obliga-*  
 5           *tion, power, authority, responsibility, right, privilege,*  
 6           *activity, or program;*

7           (4) *the term “office” includes any office, admin-*  
 8           *istration, agency, institute, unit, organizational enti-*  
 9           *ty, or component thereof; and*

10          (5) *the term “Rehabilitation Services Adminis-*  
 11          *tration” means the Rehabilitation Services Adminis-*  
 12          *tration of the Office of Special Education and Reha-*  
 13          *bilitative Services of the Department of Education.*

14          (b) *TRANSFER OF FUNCTIONS.—There are transferred*  
 15          *to the Disability Employment Services and Supports Ad-*  
 16          *ministration, all functions which the Commissioner of the*  
 17          *Rehabilitation Services Administration exercised before the*  
 18          *effective date of this section (including all related functions*  
 19          *of any officer or employee of that Administration) under*  
 20          *the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq), other*  
 21          *than chapter 1 of title VII of that Act (29 U.S.C. 796 et*  
 22          *seq).*

23          (c) *DETERMINATIONS OF CERTAIN FUNCTIONS BY THE*  
 24          *OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the*  
 25          *Office of Management and Budget shall make any deter-*

1 mination of the functions that are transferred under this  
2 section.

3 (d) *PERSONNEL PROVISIONS.*—

4 (1) *APPOINTMENTS.*—The Commissioner of the  
5 Disability Employment Services and Supports Ad-  
6 ministration may appoint and fix the compensation  
7 of such officers and employees, including investiga-  
8 tors, attorneys, and administrative law judges, as  
9 may be necessary to carry out the respective functions  
10 transferred under this section. Except as otherwise  
11 provided by law, such officers and employees shall be  
12 appointed in accordance with the civil service laws  
13 and their compensation fixed in accordance with title  
14 5, United States Code.

15 (2) *EXPERTS AND CONSULTANTS.*—The Commis-  
16 sioner of the Disability Employment Services and  
17 Supports Administration may obtain the services of  
18 experts and consultants in accordance with section  
19 3109 of title 5, United States Code, and compensate  
20 such experts and consultants for each day (including  
21 travel time) at rates not in excess of the rate of pay  
22 for level IV of the Executive Schedule under section  
23 5315 of such title. The Commissioner of the Disability  
24 Employment Services and Supports Administration  
25 may pay experts and consultants who are serving

1       away from their homes or regular place of business  
2       travel expenses and per diem in lieu of subsistence at  
3       rates authorized by sections 5702 and 5703 of such  
4       title for persons in Government service employed  
5       intermittently.

6       (e) *DELEGATION AND ASSIGNMENT.*—*Except where*  
7       *otherwise expressly prohibited by law or otherwise provided*  
8       *by this section, the Commissioner of the Disability Employ-*  
9       *ment Services and Supports Administration may delegate*  
10      *any of the functions transferred to the Commissioner of such*  
11      *Administration by this section and any function trans-*  
12      *ferred or granted to such Commissioner after the effective*  
13      *date of this section to such officers and employees of such*  
14      *Administration as the Commissioner may designate, and*  
15      *may authorize successive redelegations of such functions as*  
16      *may be necessary or appropriate. No delegation of functions*  
17      *by the Commissioner of the Disability Employment Services*  
18      *and Supports Administration under this subsection or*  
19      *under any other provision of this section shall relieve such*  
20      *Commissioner of responsibility for the administration of*  
21      *such functions.*

22      (f) *REORGANIZATION.*—*The Commissioner of the Dis-*  
23      *ability Employment Services and Supports Administration*  
24      *is authorized to allocate or reallocate any function trans-*  
25      *ferred under this section among the officers of such Admin-*

1 *istration, and to establish, consolidate, alter, or discontinue*  
 2 *such organizational entities in such Administration as may*  
 3 *be necessary or appropriate.*

4       (g) *RULES.—The Commissioner of the Disability Em-*  
 5 *ployment Services and Supports Administration is author-*  
 6 *ized to prescribe, in accordance with the provisions of chap-*  
 7 *ters 5 and 6 of title 5, United States Code, such rules and*  
 8 *regulations as that Commissioner determines necessary or*  
 9 *appropriate to administer and manage the functions of that*  
 10 *Administration.*

11       (h) *TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*  
 12 *AND PERSONNEL.—Except as otherwise provided in this*  
 13 *section, the personnel employed in connection with, and the*  
 14 *assets, liabilities, contracts, property, records, and unex-*  
 15 *pended balances of appropriations, authorizations, alloca-*  
 16 *tions, and other funds employed, used, held, arising from,*  
 17 *available to, or to be made available in connection with*  
 18 *the functions transferred by this section, subject to section*  
 19 *1531 of title 31, United States Code, shall be transferred*  
 20 *to the Disability Employment Services and Supports Ad-*  
 21 *ministration. Unexpended funds transferred pursuant to*  
 22 *this subsection shall be used only for the purposes for which*  
 23 *the funds were originally authorized and appropriated.*

24       (i) *INCIDENTAL TRANSFERS.—The Director of the Of-*  
 25 *fice of Management and Budget, at such time or times as*

1 *the Director shall provide, is authorized to make such deter-*  
2 *minations as may be necessary with regard to the functions*  
3 *transferred by this section, and to make such additional in-*  
4 *cidental dispositions of personnel, assets, liabilities, grants,*  
5 *contracts, property, records, and unexpended balances of*  
6 *appropriations, authorizations, allocations, and other funds*  
7 *held, used, arising from, available to, or to be made avail-*  
8 *able in connection with such functions, as may be necessary*  
9 *to carry out the provisions of this section. The Director of*  
10 *the Office of Management and Budget shall provide for the*  
11 *termination of the affairs of all entities terminated by this*  
12 *section and for such further measures and dispositions as*  
13 *may be necessary to effectuate the purposes of this section.*

14 (j) *EFFECT ON PERSONNEL.—*

15 (1) *IN GENERAL.—Except as otherwise provided*  
16 *by this section, the transfer pursuant to this section*  
17 *of full-time personnel (except special Government em-*  
18 *ployees) and part-time personnel holding permanent*  
19 *positions shall not cause any such employee to be sep-*  
20 *arated or reduced in grade or compensation for 1*  
21 *year after the date of transfer of such employee under*  
22 *this section.*

23 (2) *EXECUTIVE SCHEDULE POSITIONS.—Except*  
24 *as otherwise provided in this section, any person who,*  
25 *on the day preceding the effective date of this section,*



1       *held a position compensated in accordance with the*  
 2       *Executive Schedule prescribed in chapter 53 of title 5,*  
 3       *United States Code, and who, without a break in*  
 4       *service, is appointed in the Disability Employment*  
 5       *Services and Supports Administration to a position*  
 6       *having duties comparable to the duties performed im-*  
 7       *mediately preceding such appointment shall continue*  
 8       *to be compensated in such new position at not less*  
 9       *than the rate provided for such previous position, for*  
 10       *the duration of the service of such person in such new*  
 11       *position.*

12               (3) *TERMINATION OF CERTAIN POSITIONS.—Posi-*  
 13       *tions whose incumbents are appointed by the Presi-*  
 14       *dent, by and with the advice and consent of the Sen-*  
 15       *ate, the functions of which are transferred by this sec-*  
 16       *tion, shall terminate on the effective date of this sec-*  
 17       *tion.*

18       (k) *SAVINGS PROVISIONS.—*

19               (1) *CONTINUING EFFECT OF LEGAL DOCU-*  
 20       *MENTS.—All orders, determinations, rules, regula-*  
 21       *tions, permits, agreements, grants, contracts, certifi-*  
 22       *cates, licenses, registrations, privileges, and other ad-*  
 23       *ministrative actions—*

24                       (A) *which have been issued, made, granted,*  
 25                       *or allowed to become effective by the President,*

1        *any Federal agency or official thereof, or by a*  
2        *court of competent jurisdiction, in the perform-*  
3        *ance of functions which are transferred under*  
4        *this section; and*

5                *(B) which are in effect at the time this sec-*  
6        *tion takes effect, or were final before the effective*  
7        *date of this section and are to become effective on*  
8        *or after the effective date of this section,*

9        *shall continue in effect according to their terms until*  
10       *modified, terminated, superseded, set aside, or revoked*  
11       *in accordance with law by the President, the Commis-*  
12       *sioner of the Disability Employment Services and*  
13       *Supports Administration or other authorized official,*  
14       *a court of competent jurisdiction, or by operation of*  
15       *law.*

16                *(2) PROCEEDINGS NOT AFFECTED.—The provi-*  
17       *sions of this section shall not affect any proceedings,*  
18       *including notices of proposed rulemaking, or any ap-*  
19       *plication for any license, permit, certificate, or finan-*  
20       *cial assistance pending before the Rehabilitation Serv-*  
21       *ices Administration at the time this section takes ef-*  
22       *fect, with respect to functions transferred by this sec-*  
23       *tion but such proceedings and applications shall be*  
24       *continued. Orders shall be issued in such proceedings,*  
25       *appeals shall be taken therefrom, and payments shall*

1     *be made pursuant to such orders, as if this section*  
2     *had not been enacted, and orders issued in any such*  
3     *proceedings shall continue in effect until modified,*  
4     *terminated, superseded, or revoked by a duly author-*  
5     *ized official, by a court of competent jurisdiction, or*  
6     *by operation of law. Nothing in this paragraph shall*  
7     *be deemed to prohibit the discontinuance or modifica-*  
8     *tion of any such proceeding under the same terms and*  
9     *conditions and to the same extent that such pro-*  
10    *ceeding could have been discontinued or modified if*  
11    *this section had not been enacted.*

12           (3) *SUITS NOT AFFECTED.—The provisions of*  
13    *this section shall not affect suits commenced (with re-*  
14    *spect to functions transferred under this section) be-*  
15    *fore the effective date of this section, and in all such*  
16    *suits, proceedings shall be had, appeals taken, and*  
17    *judgments rendered in the same manner and with the*  
18    *same effect as if this section had not been enacted.*

19           (4) *NONABATEMENT OF ACTIONS.—No suit, ac-*  
20    *tion, or other proceeding commenced by or against the*  
21    *Rehabilitation Services Administration (with regard*  
22    *to functions transferred under this section), or by or*  
23    *against any individual in the official capacity of*  
24    *such individual as an officer of the Rehabilitation*  
25    *Services Administration (with regard to functions*

1       *transferred under this section), shall abate by reason*  
 2       *of the enactment of this section.*

3               (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*  
 4       *MULGATION OF REGULATIONS.*—*Any administrative*  
 5       *action relating to the preparation or promulgation of*  
 6       *a regulation by the Rehabilitation Services Adminis-*  
 7       *tration (with regard to functions transferred under*  
 8       *this section) may be continued by the Disability Em-*  
 9       *ployment Services and Supports Administration with*  
 10       *the same effect as if this section had not been enacted.*

11       (l) *SEPARABILITY.*—*If a provision of this section or*  
 12       *its application to any person or circumstance is held in-*  
 13       *valid, neither the remainder of this section nor the applica-*  
 14       *tion of the provision to other persons or circumstances shall*  
 15       *be affected.*

16       (m) *REFERENCES.*—*A reference in any other Federal*  
 17       *law, Executive order, rule, regulation, or delegation of au-*  
 18       *thority, or any document of or relating to—*

19               (1) *the Commissioner of the Rehabilitation Serv-*  
 20       *ices Administration (with regard to functions trans-*  
 21       *ferred under this section), shall be deemed to refer to*  
 22       *the Commissioner of the Disability Employment Serv-*  
 23       *ices and Supports Administration; and*

24               (2) *the Rehabilitation Services Administration*  
 25       *(with regard to functions transferred under this sec-*

1        *tion), shall be deemed to refer to the Disability Em-*  
 2        *ployment Services and Supports Administration.*

3        *(n) ADDITIONAL CONFORMING AMENDMENTS.—*

4                *(1) RECOMMENDED LEGISLATION.—After con-*  
 5        *sultation with the appropriate committees of Congress*  
 6        *and the Director of the Office of Management and*  
 7        *Budget, the Commissioner of the Disability Employ-*  
 8        *ment Services and Supports Administration shall*  
 9        *prepare and submit to Congress recommended legisla-*  
 10       *tion containing technical and conforming amend-*  
 11       *ments to reflect the changes made by this section.*

12               *(2) SUBMISSION TO CONGRESS.—Not later than*  
 13       *180 days after the effective date of this section, the*  
 14       *Commissioner of the Disability Employment Services*  
 15       *and Supports Administration shall submit the rec-*  
 16       *ommended legislation referred to under paragraph*  
 17       *(1).*

18        *(o) TRANSITION.—The Commissioner of the Disability*  
 19       *Employment Services and Supports Administration is au-*  
 20       *thorized to utilize—*

21               *(1) the services of such officers, employees, and*  
 22       *other personnel of the Rehabilitation Services Admin-*  
 23       *istration with regard to functions transferred under*  
 24       *this section; and*

25               *(2) funds appropriated to such functions,*

1 *for such period of time as may reasonably be needed to fa-*  
 2 *cilitate the orderly implementation of this section.*

3       (p) *INTERIM LEADERSHIP.*—*Until the date on which*  
 4 *the Commissioner of the Disability Employment Services*  
 5 *and Supports Administration takes office, the Secretary of*  
 6 *Labor may exercise any authority of that Administration.*

7 **SEC. 597. TRANSFER OF FUNCTIONS TO DEPARTMENT OF**  
 8 **HEALTH AND HUMAN SERVICES, AND SAV-**  
 9 **INGS PROVISIONS.**

10       (a) *INDEPENDENT LIVING ADMINISTRATION.*—

11               (1) *DEFINITIONS.*—*For purposes of this sub-*  
 12 *section, unless otherwise provided or indicated by the*  
 13 *context—*

14                       (A) *the terms “Disability Employment*  
 15 *Services and Supports Administration”, “func-*  
 16 *tion”, and “Rehabilitation Services Administra-*  
 17 *tion” have the meanings given the terms in sec-*  
 18 *tion 596; and*

19                       (B) *the term “Independent Living Adminis-*  
 20 *tration” means the Independent Living Admin-*  
 21 *istration of the Administration for Community*  
 22 *Living of the Department of Health and Human*  
 23 *Services.*

24               (2) *TRANSFER OF FUNCTIONS.*—*There are trans-*  
 25 *ferred to the Independent Living Administration, all*

1 *functions which the Commissioner of the Rehabilita-*  
 2 *tion Services Administration exercised before the effec-*  
 3 *tive date of this section (including all related func-*  
 4 *tions of any officer or employee of that Administra-*  
 5 *tion) under chapter 1 of title VII of the Rehabilita-*  
 6 *tion Act of 1973 (29 U.S.C. 796 et seq).*

7 (3) *DETERMINATIONS OF CERTAIN FUNCTIONS BY*  
 8 *THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-*  
 9 *essary, the Office of Management and Budget shall*  
 10 *make any determination of the functions that are*  
 11 *transferred under paragraph (2).*

12 (4) *ADMINISTRATIVE MATTERS.—*

13 (A) *IN GENERAL.—Except as provided in*  
 14 *subparagraph (B), subsections (d) through (o) of*  
 15 *section 596—*

16 (i) *shall apply to the Rehabilitation*  
 17 *Services Administration; and*

18 (ii) *shall apply to the Independent*  
 19 *Living Administration and the Director of*  
 20 *that Administration in the same manner*  
 21 *and to the same extent as those subsections*  
 22 *apply to the Disability Employment Serv-*  
 23 *ices and Supports Administration and the*  
 24 *Commissioner of that Administration.*

1                   (B) *REFERENCES TO TRANSFERS.*—For  
 2                   purposes of applying those subsections under  
 3                   subparagraph (A), references in those subsections  
 4                   to a transfer shall be considered to refer to a  
 5                   transfer under paragraph (2) or a corresponding  
 6                   provision of this subsection.

7                   (5) *INTERIM LEADERSHIP.*—Until the date on  
 8                   which the Director of the Independent Living Admin-  
 9                   istration takes office, the Secretary of Health and  
 10                  Human Services may exercise any authority of that  
 11                  Administration.

12                  (b) *ADMINISTRATION FOR COMMUNITY LIVING.*—

13                   (1) *DEFINITIONS.*—For purposes of this sub-  
 14                   section, unless otherwise provided or indicated by the  
 15                   context—

16                   (A) the terms “Disability Employment  
 17                   Services and Supports Administration”, “func-  
 18                   tion”, and “Rehabilitation Services Administra-  
 19                   tion” have the meanings given the terms in sec-  
 20                   tion 596; and

21                   (B) the term “Administration for Commu-  
 22                   nity Living” means the Administration for Com-  
 23                   munity Living of the Department of Health and  
 24                   Human Services.



1           (2) *TRANSFER OF FUNCTIONS.*—*There are trans-*  
 2           *ferred to the Administration for Community Living,*  
 3           *all functions which the Commissioner of the Rehabili-*  
 4           *tation Services Administration exercised before the ef-*  
 5           *fective date of this section (including all related func-*  
 6           *tions of any officer or employee of that Administra-*  
 7           *tion) under the Assistive Technology Act of 1998 (29*  
 8           *U.S.C. 3001 et seq.).*

9           (3) *DETERMINATIONS OF CERTAIN FUNCTIONS BY*  
 10          *THE OFFICE OF MANAGEMENT AND BUDGET.*—*If nec-*  
 11          *essary, the Office of Management and Budget shall*  
 12          *make any determination of the functions that are*  
 13          *transferred under paragraph (2).*

14          (4) *ADMINISTRATIVE MATTERS.*—

15                (A) *IN GENERAL.*—*Except as provided in*  
 16                *subparagraph (B), subsections (d) through (o) of*  
 17                *section 596—*

18                       (i) *shall apply to the Rehabilitation*  
 19                       *Services Administration; and*

20                       (ii) *shall apply to the Administration*  
 21                       *for Community Living and the Adminis-*  
 22                       *trator of that Administration in the same*  
 23                       *manner and to the same extent as those sub-*  
 24                       *sections apply to the Disability Employ-*  
 25                       *ment Services and Supports Administration*

1                   *and the Commissioner of that Administra-*  
 2                   *tion.*

3                   (B) *REFERENCES TO TRANSFERS.*—*For*  
 4                   *purposes of applying those subsections under*  
 5                   *subparagraph (A), references in those subsections*  
 6                   *to a transfer shall be considered to refer to a*  
 7                   *transfer under paragraph (2) or a corresponding*  
 8                   *provision of this subsection.*

9                   (5) *INTERIM LEADERSHIP.*—*Until the date on*  
 10                  *which the Administrator of the Administration for*  
 11                  *Community Living takes office, the Secretary of*  
 12                  *Health and Human Services may exercise any au-*  
 13                  *thority of that Administration.*

14                  (c) *NATIONAL INSTITUTE ON DISABILITY, INDE-*  
 15                  *PENDENT LIVING, AND REHABILITATION RESEARCH.*—

16                  (1) *DEFINITIONS.*—*For purposes of this sub-*  
 17                  *section, unless otherwise provided or indicated by the*  
 18                  *context—*

19                         (A) *the terms “Disability Employment*  
 20                         *Services and Supports Administration”, “func-*  
 21                         *tion”, and “Rehabilitation Services Administra-*  
 22                         *tion” have the meanings given the terms in sec-*  
 23                         *tion 596;*

24                         (B) *the term “NIDILRR” means the Na-*  
 25                         *tional Institute on Disability, Independent Liv-*

ing, and Rehabilitation Research of the Administration for Community Living of the Department of Health and Human Services; and

(C) the term “NIDRR” means the National Institute on Disability and Rehabilitation Research of the Office of Special Education and Rehabilitative Services of the Department of Education.

(2) *TRANSFER OF FUNCTIONS.*—There are transferred to the NIDILRR, all functions which the Director of the NIDRR exercised before the effective date of this section (including all related functions of any officer or employee of the NIDRR).

(3) *DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.*—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under paragraph (2).

(4) *ADMINISTRATIVE MATTERS.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), subsections (d) through (o) of section 596—

(i) shall apply to the NIDRR and the Director of the NIDRR in the same manner and to the same extent as those subsections

1           *apply to the Rehabilitation Services Admin-*  
 2           *istration and the Commissioner of that Ad-*  
 3           *ministration; and*

4           *(ii) shall apply to the NIDILRR and*  
 5           *the Director of the NIDILRR in the same*  
 6           *manner and to the same extent as those sub-*  
 7           *sections apply to the Disability Employ-*  
 8           *ment Services and Supports Administration*  
 9           *and the Commissioner of that Administra-*  
 10          *tion.*

11          *(B) REFERENCES TO TRANSFERS.—For*  
 12          *purposes of applying those subsections under*  
 13          *subparagraph (A), references in those subsections*  
 14          *to a transfer shall be considered to refer to a*  
 15          *transfer under paragraph (2) or a corresponding*  
 16          *provision of this subsection.*

17          *(d) REFERENCES IN ASSISTIVE TECHNOLOGY ACT OF*  
 18          *1998.—*

19           *(1) SECRETARY.—Section 3(13) of the Assistive*  
 20           *Technology Act of 1998 (29 U.S.C. 3002(13)) is*  
 21           *amended by striking “Education” and inserting*  
 22           *“Health and Human Services”.*

23           *(2) NATIONAL ACTIVITIES.—Section 6 of the As-*  
 24           *sistive Technology Act of 1998 (29 U.S.C. 3005) is*  
 25           *amended—*

1           (A) in subsection (b)(4)(B)(v), by striking  
 2           “Office of Disability Employment Policy” each  
 3           place it appears and inserting “Office of Dis-  
 4           ability Employment Policy, Services, and Sup-  
 5           ports”; and

6           (B) in subsection (d)(4), by striking “Edu-  
 7           cation” and inserting “Health and Human  
 8           Services”.

9           (3) *GENERAL ADMINISTRATION.*—Section 7 of the  
 10          *Assistive Technology Act of 1998 (29 U.S.C. 3006)* is  
 11          amended—

12           (A) in subsection (a)—

13           (i) in paragraph (1), by striking “the  
 14           Assistant Secretary” and all that follows  
 15           through “Rehabilitation Services Adminis-  
 16           tration,” and inserting “the Administrator  
 17           of the Administration for Community Liv-  
 18           ing”;

19           (ii) in paragraph (2), by striking “The  
 20           Assistant Secretary” and all that follows  
 21           and inserting “The Administrator of the  
 22           Administration for Community Living shall  
 23           consult with the Office of Special Education  
 24           Programs of the Department of Education,  
 25           the Disability Employment Services and

1 *Supports Administration of the Department*  
 2 *of Labor, the National Institute on Dis-*  
 3 *ability, Independent Living, and Rehabili-*  
 4 *tation Research, and other appropriate Fed-*  
 5 *eral entities in the administration of this*  
 6 *Act.”; and*

7 *(iii) in paragraph (3), by striking “the*  
 8 *Rehabilitation Services Administration”*  
 9 *and inserting “the Administrator of the Ad-*  
 10 *ministration for Community Living”; and*

11 *(B) in subsection (c)(5), by striking “Edu-*  
 12 *cation” and inserting “Health and Human*  
 13 *Services”.*

14 **SEC. 598. TABLE OF CONTENTS.**

15 *The table of contents in section 1(b) is amended—*

16 *(1) by striking the item relating to section 12*  
 17 *and inserting the following:*

*“Sec. 12. Administration by the Secretary of Labor.*

*“Sec. 12A. Administration by the Secretary of Health and Human Services.”;*

18 *(2) by striking the item relating to section 14*  
 19 *and inserting the following:*

*“Sec. 14. Evaluation by the Secretary of Labor.*

*“Sec. 14A. Evaluation by the Secretary of Health and Human Services.”;*

20 *(3) by striking the item relating to section 109*  
 21 *and inserting the following:*

*“Sec. 109. Training and services for employers.”;*

1           (4) *by inserting after the item relating to section*  
 2       *112 the following:*

“Sec. 113. *Additional technical assistance.*  
 “Sec. 114. *Pre-employment transition services.*”;

3           (5) *by striking the item relating to section 202*  
 4       *and inserting the following:*

“Sec. 202. *National Institute on Disability, Independent Living, and Rehabilitation Research.*”;

5           (6) *by striking the item relating to section 205*  
 6       *and inserting the following:*

“Sec. 205. *Disability, Independent Living, and Rehabilitation Research Advisory Council.*  
 “Sec. 206. *Definition of covered school.*”;

7           (7) *by striking the item relating to section 303*  
 8       *and inserting the following:*

“Sec. 303. *Demonstration, training, and technical assistance programs.*”;

9           (8) *by inserting after the item relating to section*  
 10       *509 the following:*

“Sec. 510. *Establishment of standards for accessible medical diagnostic equipment.*  
 “Sec. 511. *Employment of individuals with significant disabilities at a subminimum wage.*”;

11           (9) *by striking the items relating to part B of*  
 12       *title VI and inserting the following:*

“PART B—SUPPORTED EMPLOYMENT SERVICES

“Sec. 621. *Purpose.*  
 “Sec. 622. *Allotments.*  
 “Sec. 623. *Availability of services.*  
 “Sec. 624. *Eligibility.*  
 “Sec. 625. *State plan.*  
 “Sec. 626. *Restriction.*  
 “Sec. 627. *Savings provision.*  
 “Sec. 628. *Authorization of appropriations.*”;

13           (10) *in the items relating to title VII—*

1                   (A)(i) by inserting after the item relating to  
2                   section 701 the following:

“Sec. 701A. Independent Living Administration.”;

3                   and

4                   (ii) by striking the item relating to section  
5                   706 and inserting the following:

“Sec. 706. Responsibilities of the ILA Director.”;

6                   (B) by inserting after the item relating to  
7                   section 711 the following:

“Sec. 711A. Training and technical assistance.”;

8                   and

9                   (C) by striking the items relating to sections  
10                  752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.

“Sec. 753. Program of grants.

“Sec. 754. Authorization of appropriations.”;

11                  and

12                  (11) by adding at the end the following:

“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR  
INDIVIDUALS WITH DISABILITIES

“Sec. 801. Office of Disability Employment Policy, Services, and Supports.

“Sec. 802. Advisory Committee on Increasing Competitive Integrated Employ-  
ment for Individuals with Disabilities.

“Sec. 803. Public education campaigns about hiring individuals with disabili-  
ties.”.

## 13 **TITLE VI—GENERAL PROVISIONS**

### 14 **Subtitle A—Workforce Investment**

#### 15 **SEC. 601. PRIVACY.**

16                  (a) SECTION 444 OF THE GENERAL EDUCATION PRO-  
17 VISIONS ACT.—Nothing in this Act (including the amend-



1 *ments made by this Act) shall be construed to supersede the*  
 2 *privacy protections afforded parents and students under*  
 3 *section 444 of the General Education Provisions Act (20*  
 4 *U.S.C. 1232g).*

5 *(b) PROHIBITION ON DEVELOPMENT OF NATIONAL*  
 6 *DATABASE.—*

7 *(1) IN GENERAL.—Nothing in this Act (includ-*  
 8 *ing the amendments made by this Act) shall be con-*  
 9 *strued to permit the development of a national data-*  
 10 *base of personally identifiable information on indi-*  
 11 *viduals receiving services under title II or under the*  
 12 *amendments made by title V.*

13 *(2) LIMITATION.—Nothing in paragraph (1)*  
 14 *shall be construed to prevent the proper administra-*  
 15 *tion of national programs under subtitles C and D of*  
 16 *title II, or the amendments made by title V (as the*  
 17 *case may be), or to carry out program management*  
 18 *activities consistent with title II or the amendments*  
 19 *made by title V (as the case may be).*

20 **SEC. 602. BUY-AMERICAN REQUIREMENTS.**

21 *(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of*  
 22 *the funds made available under title II or III or under the*  
 23 *Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be expended*  
 24 *by an entity unless the entity agrees that in expending the*  
 25 *funds the entity will comply with sections 8301 through*

1 8303 of title 41, United States Code (commonly known as  
2 the “Buy American Act”).

3 (b) *SENSE OF CONGRESS; REQUIREMENT REGARDING*  
4 *NOTICE.*—

5 (1) *PURCHASE OF AMERICAN-MADE EQUIPMENT*  
6 *AND PRODUCTS.*—*In the case of any equipment or*  
7 *product that may be authorized to be purchased with*  
8 *financial assistance provided using funds made avail-*  
9 *able under title II or III or under the Wagner-Peyser*  
10 *Act (29 U.S.C. 49 et seq.), it is the sense of Congress*  
11 *that entities receiving the assistance should, in ex-*  
12 *pending the assistance, purchase only American-made*  
13 *equipment and products.*

14 (2) *NOTICE TO RECIPIENTS OF ASSISTANCE.*—*In*  
15 *providing financial assistance using funds made*  
16 *available under title II or III or under the Wagner-*  
17 *Peyser Act, the head of each Federal agency shall pro-*  
18 *vide to each recipient of the assistance a notice de-*  
19 *scribing the statement made in paragraph (1) by*  
20 *Congress.*

21 (c) *PROHIBITION OF CONTRACTS WITH PERSONS*  
22 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.*—  
23 *If it has been finally determined by a court or Federal agen-*  
24 *cy that any person intentionally affixed a label bearing a*  
25 *“Made in America” inscription, or any inscription with*

1 *the same meaning, to any product sold in or shipped to*  
 2 *the United States that is not made in the United States,*  
 3 *the person shall be ineligible to receive any contract or sub-*  
 4 *contract made with funds made available under title II or*  
 5 *III or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.),*  
 6 *pursuant to the debarment, suspension, and ineligibility*  
 7 *procedures described in sections 9.400 through 9.409 of title*  
 8 *48, Code of Federal Regulations, as such sections were in*  
 9 *effect on August 7, 1998, or pursuant to any successor regu-*  
 10 *lations.*

11 **SEC. 603. TRANSITION PROVISIONS.**

12       (a) *WORKFORCE DEVELOPMENT SYSTEMS.*—*The Sec-*  
 13 *retary of Labor and the Secretary of Education shall take*  
 14 *such actions as the Secretaries determine to be appropriate*  
 15 *to provide for the orderly transition from any authority*  
 16 *under the Workforce Investment Act of 1998 (29 U.S.C.*  
 17 *2801 et seq.) to any authority under title I. Such actions*  
 18 *shall include the provision of guidance related to unified*  
 19 *State planning and the performance accountability system*  
 20 *described under such title.*

21       (b) *WORKFORCE INVESTMENT ACTIVITIES.*—*The Sec-*  
 22 *retary of Labor shall take such actions as the Secretary de-*  
 23 *termines to be appropriate to provide for the orderly transi-*  
 24 *tion from any authority under the Workforce Investment*  
 25 *Act of 1998 to any authority under title II.*

1       (c) *ADULT EDUCATION AND LITERACY PROGRAMS.*—

2   *The Secretary of Education shall take such actions as the*  
3   *Secretary determines to be appropriate to provide for the*  
4   *orderly transition from any authority under the Adult Edu-*  
5   *cation and Family Literacy Act (20 U.S.C. 9201 et seq.),*  
6   *as in effect on the day before the date of enactment of this*  
7   *Act, to any authority under the Adult Education and Fam-*  
8   *ily Literacy Act, as amended by this Act.*

9       (d) *EMPLOYMENT SERVICES ACTIVITIES.*—*The Sec-*  
10   *retary of Labor shall take such actions as the Secretary de-*  
11   *termines to be appropriate to provide for the orderly transi-*  
12   *tion from any authority under the Wagner-Peyser Act (29*  
13   *U.S.C. 49 et seq.), as in effect on the day before the date*  
14   *of enactment of this Act, to any authority under the Wag-*  
15   *ner-Peyser Act, as amended by this Act.*

16       (e) *VOCATIONAL REHABILITATION PROGRAMS.*—*The*  
17   *Secretary of Education, the Secretary of Labor, and the*  
18   *Secretary of Health and Human Services shall take such*  
19   *actions as the Secretaries determine to be appropriate to*  
20   *provide for the orderly transition from any authority under*  
21   *the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as*  
22   *in effect on the day before the date of enactment of this Act,*  
23   *to any authority under the Rehabilitation Act of 1973, as*  
24   *amended by this Act.*

25       (f) *REGULATIONS.*—

1           (1) *PROPOSED REGULATIONS.*—Not later than  
2       180 days after the date of enactment of this Act, the  
3       Secretary of Labor, the Secretary of Education, and  
4       the Secretary of Health and Human Services, as ap-  
5       propriate, shall develop and publish in the Federal  
6       Register proposed regulations relating to the transi-  
7       tion to, and implementation of, this Act (including  
8       the amendments made by this Act).

9           (2) *FINAL REGULATIONS.*—Not later than 18  
10      months after the date of enactment of this Act, the  
11      Secretaries described in paragraph (1), as appro-  
12      priate, shall develop and publish in the Federal Reg-  
13      ister final regulations relating to the transition to,  
14      and implementation of, this Act (including the  
15      amendments made by this Act).

16      (g) *EXPENDITURE OF FUNDS DURING TRANSITION.*—

17           (1) *IN GENERAL.*—Subject to paragraph (2) and  
18      in accordance with regulations developed under sub-  
19      section (f), States, grant recipients, administrative  
20      entities, and other recipients of financial assistance  
21      under the Workforce Investment Act of 1998 may ex-  
22      pend funds received under such Act, prior to July 1,  
23      2015, in order to plan and implement programs and  
24      activities authorized under this Act.

1           (2) *ADDITIONAL REQUIREMENTS.*—Not more  
 2       *than 2 percent of any allotment to any State from*  
 3       *amounts appropriated under the Workforce Invest-*  
 4       *ment Act of 1998 for fiscal year 2014 may be made*  
 5       *available to carry out activities authorized under*  
 6       *paragraph (1) and not less than 50 percent of any*  
 7       *amount used to carry out activities authorized under*  
 8       *paragraph (1) shall be made available to local entities*  
 9       *for the purposes of the activities described in such*  
 10       *paragraph.*

11 **SEC. 604. REDUCTION OF REPORTING BURDENS AND RE-**  
 12                                   **QUIREMENTS.**

13       *In order to simplify reporting requirements and reduce*  
 14       *reporting burdens, the Secretary of Labor, the Secretary of*  
 15       *Education, and the Secretary of Health and Human Serv-*  
 16       *ices shall establish procedures and criteria under which a*  
 17       *State board and local board may reduce reporting burdens*  
 18       *and requirements under this Act (including the amend-*  
 19       *ments made by this Act).*

20 **SEC. 605. EFFECTIVE DATES.**

21       (a) *IN GENERAL.*—*Except as otherwise provided in*  
 22       *this Act, this Act, including the amendments made by this*  
 23       *Act, take effect on the date of enactment of this Act.*

24       (b) *EFFECTIVE DATE FOR WORKFORCE DEVELOPMENT*  
 25       *PERFORMANCE ACCOUNTABILITY SYSTEM.*—*The require-*

1 *ments of section 131 shall apply beginning on the first day*  
 2 *of the second full program year after the date of enactment*  
 3 *of this Act.*

4 ***Subtitle B—Amendments to Other***  
 5 ***Laws***

6 ***SEC. 611. REPEAL OF THE WORKFORCE INVESTMENT ACT***  
 7 ***OF 1998.***

8 *(a) YOUTH OPPORTUNITY GRANTS.—Section 169 of*  
 9 *the Workforce Investment Act of 1998 (29 U.S.C. 2914) is*  
 10 *repealed.*

11 *(b) TWENTY-FIRST CENTURY WORKFORCE COMMIS-*  
 12 *SION.—Subtitle C of title III of the Workforce Investment*  
 13 *Act of 1998 (29 U.S.C. 2701 note) is repealed.*

14 *(c) WORKFORCE INVESTMENT ACT OF 1998.—The*  
 15 *Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)*  
 16 *is repealed.*

17 ***SEC. 612. CONFORMING AMENDMENTS.***

18 *(a) AMERICAN COMPETITIVENESS AND WORKFORCE*  
 19 *IMPROVEMENT ACT OF 1998.—Section 414(c)(3)(C) of the*  
 20 *American Competitiveness and Workforce Improvement Act*  
 21 *of 1998 (29 U.S.C. 2916a(3)(C)) is amended by striking*  
 22 *“entities involved in administering the workforce invest-*  
 23 *ment system established under title I of the Workforce In-*  
 24 *vestment Act of 1998” and inserting “entities involved in*

1 *administering the workforce development system, as defined*  
 2 *in section 101 of the Workforce Investment Act of 2013”.*

3 *(b) ASSISTIVE TECHNOLOGY ACT OF 1998.—The As-*  
 4 *sistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is*  
 5 *amended as follows:*

6 *(1) Section 3(1)(C) of such Act (29 U.S.C.*  
 7 *3002(1)(C)) is amended by striking “such as a one-*  
 8 *stop partner, as defined in section 101 of the Work-*  
 9 *force Investment Act of 1998 (29 U.S.C. 2801)” and*  
 10 *inserting “such as a one-stop partner, as defined in*  
 11 *section 101 of the Workforce Investment Act of 2013”.*

12 *(2) Section 4 of such Act (29 U.S.C. 3003) is*  
 13 *amended—*

14 *(A) in subsection (c)(2)(B)(i)(IV), by strik-*  
 15 *ing “a representative of the State workforce in-*  
 16 *vestment board established under section 111 of*  
 17 *the Workforce Investment Act of 1998 (29 U.S.C.*  
 18 *2821)” and inserting “a representative of the*  
 19 *State workforce development board established*  
 20 *under section 111 of the Workforce Investment*  
 21 *Act of 2013”; and*

22 *(B) in subsection (e)—*

23 *(i) in paragraph (2)(D)(i), by striking*  
 24 *“such as one-stop partners, as defined in*  
 25 *section 101 of the Workforce Investment Act*



1           *of 1998 (29 U.S.C. 2801),” and inserting*  
 2           *“such as one-stop partners, as defined in*  
 3           *section 101 of the Workforce Investment Act*  
 4           *of 2013,”; and*

5                     *(ii) in paragraph (3)(B)(ii)(I)(aa), by*  
 6           *striking “with entities in the statewide and*  
 7           *local workforce investment systems estab-*  
 8           *lished under the Workforce Investment Act*  
 9           *of 1998 (29 U.S.C. 2801 et seq.),” and in-*  
 10          *serting “with entities in the statewide and*  
 11          *local workforce development systems estab-*  
 12          *lished under the Workforce Investment Act*  
 13          *of 2013.”.*

14          (c) *ALASKA NATURAL GAS PIPELINE ACT.—Section*  
 15          *113(a)(2) of the Alaska Natural Gas Pipeline Act (15*  
 16          *U.S.C. 720k(a)(2)) is amended by striking “consistent with*  
 17          *the vision and goals set forth in the State of Alaska Unified*  
 18          *Plan, as developed pursuant to the Workforce Investment*  
 19          *Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “con-*  
 20          *sistent with the vision and goals set forth in the State of*  
 21          *Alaska unified plan or combined plan, as appropriate, as*  
 22          *developed pursuant to section 112 or section 113, as appro-*  
 23          *priate, of the Workforce Investment Act of 2013”.*

24          (d) *ATOMIC ENERGY DEFENSE ACT.—Section*  
 25          *4604(c)(6)(A) of the Atomic Energy Defense Act (50 U.S.C.*

1 2704(c)(6)(A)) is amended by striking “programs carried  
 2 out by the Secretary of Labor under the Job Training Part-  
 3 nership Act or title I of the Workforce Investment Act of  
 4 1998” and inserting “programs carried out by the Sec-  
 5 retary of Labor under titles I and II of the Workforce In-  
 6 vestment Act of 2013”.

7 (e) *CARL D. PERKINS CAREER AND TECHNICAL EDU-*  
 8 *CATION ACT OF 2006.*—*The Carl D. Perkins Career and*  
 9 *Technical Education Act of 2006 (20 U.S.C. 2301 et seq.)*  
 10 *is amended as follows:*

11 (1) Section 118(d)(2) of such Act (20 U.S.C.  
 12 2328(d)(2)) is amended—

13 (A) in the paragraph heading, by striking  
 14 “PUBLIC LAW 105–220” and inserting “WORK-  
 15 FORCE INVESTMENT ACT OF 2013”; and

16 (B) by striking “functions and activities  
 17 carried out under Public Law 105–220” and in-  
 18 serting “functions and activities carried out  
 19 under the Workforce Investment Act of 2013”.

20 (2) Section 121(a)(4) of such Act (20 U.S.C.  
 21 2341(a)(4)) is amended—

22 (A) in subparagraph (A), by striking “ac-  
 23 tivities undertaken by the State boards under  
 24 section 111 of Public Law 105–220” and insert-  
 25 ing “activities undertaken by the State boards

1        *under section 111 of the Workforce Investment*  
 2        *Act of 2013*”; and

3                (B) in subparagraph (B), by striking “the  
 4        *service delivery system under section 121 of Pub-*  
 5        *lic Law 105–220*” and inserting “the one-stop  
 6        *service delivery system under section 221 of the*  
 7        *Workforce Investment Act of 2013*”.

8        (3) Section 122 of such Act (20 U.S.C. 2342) is  
 9        amended—

10                (A) in subsection (b)(1)(A)(viii), by striking  
 11        “entities participating in activities described in  
 12        section 111 of Public Law 105–220” and insert-  
 13        ing “entities participating in activities described  
 14        in section 111 of the Workforce Investment Act  
 15        of 2013”;

16                (B) in subsection (c)(20), by striking “the  
 17        description and information specified in sections  
 18        112(b)(8) and 121(c) of Public Law 105–220  
 19        concerning the provision of services only for post-  
 20        secondary students and school dropouts” and in-  
 21        serting “the description and information speci-  
 22        fied in subparagraphs (B) and (C)(iii) of section  
 23        112(b)(2), and, as appropriate, section  
 24        113(b)(3)(A), and section 221(c), of the Work-  
 25        force Investment Act of 2013 concerning the pro-

1 *vision of services only for postsecondary students*  
 2 *and school dropouts”; and*

3 *(C) in subsection (d)(2)—*

4 *(i) in the paragraph heading, by strik-*  
 5 *ing “501 PLAN” and inserting “COMBINED*  
 6 *PLAN”; and*

7 *(ii) by striking “as part of the plan*  
 8 *submitted under section 501 of Public Law*  
 9 *105–220” and inserting “as part of the*  
 10 *plan submitted under section 113 of the*  
 11 *Workforce Investment Act of 2013”.*

12 *(4) Section 124(c)(13) of such Act (20 U.S.C.*  
 13 *2344(c)(13)) is amended by striking “such as through*  
 14 *referral to the system established under section 121 of*  
 15 *Public Law 105–220” and inserting “such as through*  
 16 *referral to the system established under section 221 of*  
 17 *the Workforce Investment Act of 2013”.*

18 *(5) Section 134(b)(5) of such Act (20 U.S.C.*  
 19 *2354(b)(5)) is amended by striking “entities partici-*  
 20 *pating in activities described in section 117 of Public*  
 21 *Law 105–220 (if applicable)” and inserting “entities*  
 22 *participating in activities described in section 117 of*  
 23 *the Workforce Investment Act of 2013 (if applicable)”.*

24 *(6) Section 135(c)(16) of such Act (20 U.S.C.*  
 25 *2355(c)(16)) is amended by striking “such as through*

1       *referral to the system established under section 121 of*  
 2       *Public Law 105–220 (29 U.S.C. 2801 et seq.)” and*  
 3       *inserting “such as through referral to the system es-*  
 4       *tablished under section 221 of the Workforce Invest-*  
 5       *ment Act of 2013”.*

6               *(7) Section 321(b)(1) of such Act (20 U.S.C.*  
 7       *2411(b)(1)) is amended by striking “Chapters 4 and*  
 8       *5 of subtitle B of title I of Public Law 105–220” and*  
 9       *inserting “Chapters 2 and 3 of subtitle B of title II*  
 10       *of the Workforce Investment Act of 2013”.*

11       *(f) COMMUNITY SERVICES BLOCK GRANT ACT.—Sec-*  
 12       *tion 676(b)(5) of the Community Services Block Grant Act*  
 13       *(42 U.S.C. 9908(b)(5)) is amended by striking “the eligible*  
 14       *entities will coordinate the provision of employment and*  
 15       *training activities, as defined in section 101 of such Act,*  
 16       *in the State and in communities with entities providing*  
 17       *activities through statewide and local workforce investment*  
 18       *systems under the Workforce Investment Act of 1998” and*  
 19       *inserting “the eligible entities will coordinate the provision*  
 20       *of employment and training activities, as defined in section*  
 21       *101 of the Workforce Investment Act of 2013, in the State*  
 22       *and in communities with entities providing activities*  
 23       *through statewide and local workforce development systems*  
 24       *under such Act”.*

1       (g) *COMPACT OF FREE ASSOCIATION AMENDMENTS*  
 2 *ACT OF 2003.—The Compact of Free Association Amend-*  
 3 *ments Act of 2003 (48 U.S.C. 1921 et seq.) is amended as*  
 4 *follows:*

5           (1) *Section 105(f)(1)(B)(iii) of such Act (48*  
 6 *U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking*  
 7 *“title I of the Workforce Investment Act of 1998 (29*  
 8 *U.S.C. 2801 et seq.), other than subtitle C of that Act*  
 9 *(29 U.S.C. 2881 et seq.) (Job Corps), title II of the*  
 10 *Workforce Investment Act of 1998 (20 U.S.C. 9201 et*  
 11 *seq.; commonly known as the Adult Education and*  
 12 *Family Literacy Act),” and inserting “titles I, II*  
 13 *(other than subtitle C), and III of the Workforce In-*  
 14 *vestment Act of 2013,”.*

15           (2) *Section 108(a) of such Act (48 U.S.C.*  
 16 *1921g(a)) is amended by striking “subtitle C of title*  
 17 *I of the Workforce Investment Act of 1998 (29 U.S.C.*  
 18 *2881 et seq.; relating to Job Corps)” and inserting*  
 19 *“subtitle C of title II of the Workforce Investment Act*  
 20 *of 2013 (relating to Job Corps)”.*

21       (h) *DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—*  
 22 *Section 103(d) of the Domestic Volunteer Service Act of*  
 23 *1973 (42 U.S.C. 4953(d)) is amended by striking “employ-*  
 24 *ment.” and all that follows and inserting the following:*  
 25 *“employment. Whenever feasible, such efforts shall be coordi-*

1 nated with an appropriate local workforce development  
 2 board established under section 107 of the Workforce Invest-  
 3 ment Act of 2013.”.

4 (i) *ELEMENTARY AND SECONDARY EDUCATION ACT OF*  
 5 *1965.—The Elementary and Secondary Education Act of*  
 6 *1965 (20 U.S.C. 6301 et seq.) is amended as follows:*

7 (1) *Section 1203(c)(2)(A) of such Act (20 U.S.C.*  
 8 *6363(c)(2)(A)) is amended—*

9 (A) *by striking “, in consultation with the*  
 10 *National Institute for Literacy,”; and*

11 (B) *by striking clause (ii); and*

12 (C) *by redesignating clauses (iii) and (iv)*  
 13 *as clauses (ii) and (iii), respectively.*

14 (2) *Section 1235(9)(B) of such Act (20 U.S.C.*  
 15 *6381d(9)(B)) is amended by striking “any relevant*  
 16 *programs under the Adult Education and Family*  
 17 *Literacy Act, the Individuals with Disabilities Edu-*  
 18 *cation Act, and title I of the Workforce Investment*  
 19 *Act of 1998” and inserting “any relevant programs*  
 20 *under the Adult Education and Family Literacy Act,*  
 21 *the Individuals with Disabilities Education Act, and*  
 22 *titles I and II of the Workforce Investment Act of*  
 23 *2013”.*

24 (3) *Section 1423(9) of such Act (20 U.S.C.*  
 25 *6453(9)) is amended by striking “a description of*

1     *how the program under this subpart will be coordi-*  
 2     *nated with other Federal, State, and local programs,*  
 3     *such as programs under title I of Public Law 105–*  
 4     *220” and inserting “a description of how the program*  
 5     *under this subpart will be coordinated with other*  
 6     *Federal, State, and local programs, such as programs*  
 7     *under titles I and II of the Workforce Investment Act*  
 8     *of 2013”.*

9           (4) Section 1425(9) of such Act (20 U.S.C.  
 10     6455(9)) is amended by striking “coordinate funds re-  
 11     ceived under this subpart with other local, State, and  
 12     Federal funds available to provide services to partici-  
 13     pating children and youth, such as funds made avail-  
 14     able under title I of Public Law 105–220,” and in-  
 15     serting “coordinate funds received under this subpart  
 16     with other local, State, and Federal funds available to  
 17     provide services to participating children and youth,  
 18     such as funds made available under title I or II of  
 19     the Workforce Investment Act of 2013,”.

20           (5) Section 7202(13)(H) of such Act (20 U.S.C.  
 21     7512(13)(H)) is amended by striking “the Workforce  
 22     Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and  
 23     inserting “the Workforce Investment Act of 2013 (29  
 24     U.S.C. 2801 et. seq.)”.



1       (j) *ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF*  
2   1984.—Section 2(a) of the *Environmental Programs Assist-*  
3   *ance Act of 1984* (42 U.S.C. 4368a(a)) is amended by strik-  
4   ing “Funding for such grants or agreements may be made  
5   available from such programs or through title V of the *Older*  
6   *Americans Act of 1965* and subtitle D of title I of the *Work-*  
7   *force Investment Act of 1998*” and inserting “Funding for  
8   such grants or agreements may be made available from such  
9   programs or through title V of the *Older Americans Act of*  
10   1965 and subtitle D of title II of the *Workforce Investment*  
11   *Act of 2013*”.

12       (k) *ENERGY CONSERVATION AND PRODUCTION ACT.*—  
13   Section 414(b)(3) of the *Energy Conservation and Produc-*  
14   *tion Act* (42 U.S.C. 6864(b)(3)) is amended by striking “se-

15   curing, to the maximum extent practicable, the services of  
16   volunteers and training participants and public service em-

17   ployment workers, pursuant to title I of the *Workforce In-*  
18   *vestment Act of 1998*” and inserting “securing, to the max-

19   imum extent practicable, the services of volunteers and  
20   training participants and public service employment work-

21   ers, pursuant to title I or II of the *Workforce Investment*  
22   *Act of 2013*”.

23       (l) *FOOD AND NUTRITION ACT OF 2008.*—The *Food*  
24   and *Nutrition Act of 2008* (7 U.S.C. 2011 et seq.) is amend-  
25   ed as follows:

1           (1) *Section 5(l) of such Act (7 U.S.C. 2014(l)) is*  
 2           *amended by striking “Notwithstanding section*  
 3           *181(a)(2) of the Workforce Investment Act of 1998,*  
 4           *earnings to individuals participating in on-the-job-*  
 5           *training under title I of the Workforce Investment Act*  
 6           *of 1998” and inserting “Notwithstanding section*  
 7           *281(a)(2) of the Workforce Investment Act of 2013,*  
 8           *earnings to individuals participating in on-the-job*  
 9           *training under title I or II of the Workforce Invest-*  
 10          *ment Act of 2013”.*

11          (2) *Section 6 of such Act (7 U.S.C. 2015) is*  
 12          *amended—*

13               (A) *in subsection (d)(4)(M), by striking*  
 14               *“activities under title I of the Workforce Invest-*  
 15               *ment Act of 1998” and inserting “activities*  
 16               *under titles I and II of the Workforce Investment*  
 17               *Act of 2013”;*

18               (B) *in subsection (e)(3)(A), by striking “a*  
 19               *program under title I of the Workforce Invest-*  
 20               *ment Act of 1998” and inserting “a program*  
 21               *under title I or II of the Workforce Investment*  
 22               *Act of 2013”; and*

23               (C) *in subsection (o)(1)(A), by striking “a*  
 24               *program under the title I of the Workforce In-*  
 25               *vestment Act of 1998” and inserting “a program*

1           *under title I or II of the Workforce Investment*  
 2           *Act of 2013”.*

3           (3) *Section 17(b)(2) of such Act (7 U.S.C.*  
 4           *2026(b)(2)) is amended by striking “a program car-*  
 5           *ried out under title I of the Workforce Investment Act*  
 6           *of 1998” and inserting “a program carried out under*  
 7           *title I or II of the Workforce Investment Act of 2013”.*

8           (m) *FULL EMPLOYMENT AND BALANCED GROWTH ACT*  
 9           *OF 1978.—Section 206 of the Full Employment and Bal-*  
 10          *anced Growth Act of 1978 (15 U.S.C. 3116) is amended—*

11           (1) *in subsection (b), in the matter preceding*  
 12           *paragraph (1), by striking “the Secretary of Labor*  
 13           *shall, as appropriate, fully utilize the authority pro-*  
 14           *vided under the Job Training Partnership Act and*  
 15           *title I of the Workforce Investment Act of 1998” and*  
 16           *inserting “the Secretary of Labor shall, as appro-*  
 17           *priate, fully utilize the authority provided under ti-*  
 18           *ties I and II of the Workforce Investment Act of*  
 19           *2013”; and*

20           (2) *in subsection (c)(1), by striking “the Presi-*  
 21           *dent shall, as may be authorized by law, establish res-*  
 22           *ervoirs of public employment and private nonprofit*  
 23           *employment projects, to be approved by the Secretary*  
 24           *of Labor, through expansion of title I of the Workforce*  
 25           *Investment Act of 1998” and inserting “the President*

1      *shall, as may be authorized by law, establish res-*  
 2      *ervoirs of public employment and private nonprofit*  
 3      *employment projects, to be approved by the Secretary*  
 4      *of Labor, through expansion of activities under titles*  
 5      *I and II of the Workforce Investment Act of 2013”.*

6      *(n) HIGHER EDUCATION ACT OF 1965.—The Higher*  
 7      *Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended*  
 8      *as follows:*

9            *(1) Section 418A of such Act (20 U.S.C. 1070d–*  
 10      *2) is amended—*

11            *(A) in subsection (b)(1)(B)(ii), by striking*  
 12            *“section 167 of the Workforce Investment Act of*  
 13            *1998” and inserting “section 267 of the Work-*  
 14            *force Investment Act of 2013”; and*

15            *(B) in subsection (c)(1)(A), by striking “sec-*  
 16            *tion 167 of the Workforce Investment Act of*  
 17            *1998” and inserting “section 267 of the Work-*  
 18            *force Investment Act of 2013”.*

19            *(2) Section 479(d)(1) of such Act (20 U.S.C.*  
 20            *1087ss(d)(1)) is amended by striking “The term ‘dis-*  
 21            *located worker’ has the meaning given the term in*  
 22            *section 101 of the Workforce Investment Act of 1998*  
 23            *(29 U.S.C. 2801)” and inserting “The term ‘dis-*  
 24            *located worker’ has the meaning given the term in*  
 25            *section 101 of the Workforce Investment Act of 2013”.*

1           (3) Section 479A(a) of such Act (20 U.S.C.  
 2       1087tt(a)) is amended by striking “a dislocated work-  
 3       er (as defined in section 101 of the Workforce Invest-  
 4       ment Act of 1998)” and inserting “a dislocated work-  
 5       er (as defined in section 101 of the Workforce Invest-  
 6       ment Act of 2013)”.

7           (4) Section 480(b)(1)(I) of such Act (20 U.S.C.  
 8       1087vv(b)(1)(I)) is amended by striking “benefits re-  
 9       ceived through participation in employment and  
 10      training activities under title I of the Workforce In-  
 11      vestment Act of 1998 (29 U.S.C. 2801 et seq.)” and  
 12      inserting “benefits received through participation in  
 13      employment and training activities under titles I and  
 14      II of the Workforce Investment Act of 2013”.

15          (5) Section 803 of such Act (20 U.S.C. 1161c) is  
 16      amended—

17           (A) in subsection (i)(1), by striking “for  
 18      changes to this Act and related Acts, such as the  
 19      Carl D. Perkins Career and Technical Education  
 20      Act of 2006 and the Workforce Investment Act of  
 21      1998 (including titles I and II), to help create  
 22      and sustain business and industry workforce  
 23      partnerships at institutions of higher education”  
 24      and inserting “for changes to this Act and re-  
 25      lated Acts, such as the Carl D. Perkins Career

1           *and Technical Education Act of 2006 and the*  
 2           *Workforce Investment Act of 2013 (including ti-*  
 3           *ties I, II, and III), to help create and sustain*  
 4           *business and industry workforce partnerships at*  
 5           *institutions of higher education”; and*

6                     *(B) in subsection (j)(1)—*

7                         *(i) in subparagraph (A)(ii), by strik-*  
 8                         *ing “local board (as such term is defined in*  
 9                         *section 101 of the Workforce Investment Act*  
 10                         *of 1998 (29 U.S.C. 2801))” and inserting*  
 11                         *“local board (as such term is defined in sec-*  
 12                         *tion 101 of the Workforce Investment Act of*  
 13                         *2013)”;* and

14                         *(ii) in subparagraph (B), by striking*  
 15                         *“a State board (as such term is defined in*  
 16                         *section 101 of the Workforce Investment Act*  
 17                         *of 1998 (29 U.S.C. 2801))” and inserting*  
 18                         *“a State board (as such term is defined in*  
 19                         *section 101 of the Workforce Investment Act*  
 20                         *of 2013)”.*

21           *(6) Section 861(c)(1)(B) of such Act (20 U.S.C.*  
 22           *1161q(c)(1)(B)) is amended by striking “local boards*  
 23           *(as such term is defined in section 101 of the Work-*  
 24           *force Investment Act of 1998 (29 U.S.C. 2801))” and*  
 25           *inserting “local boards (as such term is defined in*

1        *section 101 of the Workforce Investment Act of*  
 2        *2013)*”.

3            (7) *Section 872(b)(2)(E) of such Act (20 U.S.C.*  
 4        *1161s(b)(2)(E)) is amended by striking “local boards*  
 5        *(as defined in section 101 of the Workforce Investment*  
 6        *Act of 1998 (29 U.S.C. 2801))” and inserting “local*  
 7        *boards (as defined in section 101 of the Workforce In-*  
 8        *vestment Act of 2013)”*.

9            (o) *HOUSING ACT OF 1949.—Section 504(c)(3) of the*  
 10        *Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by*  
 11        *striking “the Secretary, in consultation with the Secretary*  
 12        *of Labor, determines there is an insufficient number of vol-*  
 13        *unteers and training participants and public service em-*  
 14        *ployment workers, assisted pursuant to title I of the Work-*  
 15        *force Investment Act of 1998 or the Older American Com-*  
 16        *munity Service Employment Act,” and inserting “the Sec-*  
 17        *retary, in consultation with the Secretary of Labor, deter-*  
 18        *mines there is an insufficient number of volunteers and*  
 19        *training participants and public service employment work-*  
 20        *ers, assisted pursuant to title I or II of the Workforce Invest-*  
 21        *ment Act of 2013 or the Community Service Senior Oppor-*  
 22        *tunities Act,”*.

23            (p) *HOUSING AND URBAN DEVELOPMENT ACT OF*  
 24        *1968.—Section 3 of the Housing and Urban Development*  
 25        *Act of 1968 (12 U.S.C. 1701u) is amended—*

1           (1) in subsection (c)—

2                 (A) in paragraph (1)(B)(iii), by striking  
3                 “participants in YouthBuild programs receiving  
4                 assistance under section 173A of the Workforce  
5                 Investment Act of 1998” and inserting “partici-  
6                 pants in YouthBuild programs receiving assist-  
7                 ance under section 272 of the Workforce Invest-  
8                 ment Act of 2013”; and

9                 (B) in paragraph (2)(B), by striking “par-  
10                 ticipants in YouthBuild programs receiving as-  
11                 sistance under section 173A of the Workforce In-  
12                 vestment Act of 1998” and inserting “partici-  
13                 pants in YouthBuild programs receiving assist-  
14                 ance under section 272 of the Workforce Invest-  
15                 ment Act of 2013”; and

16           (2) in subsection (d)—

17                 (A) in paragraph (1)(B)(iii), by striking  
18                 “To YouthBuild programs receiving assistance  
19                 under section 173A of the Workforce Investment  
20                 Act of 1998” and inserting “To YouthBuild pro-  
21                 grams receiving assistance under section 272 of  
22                 the Workforce Investment Act of 2013”; and

23                 (B) in paragraph (2)(B), by striking “to  
24                 YouthBuild programs receiving assistance under  
25                 section 173A of the Workforce Investment Act of



1           1998” and inserting “to YouthBuild programs  
 2           receiving assistance under section 272 of the  
 3           Workforce Investment Act of 2013”.

4           (q) *IMMIGRATION AND NATIONALITY ACT*.—Section  
 5   245A(h)(4)(F) of the Immigration and Nationality Act (8  
 6   U.S.C. 1255a(h)(4)(F)) is amended by striking “Title I of  
 7   the Workforce Investment Act of 1998” and inserting “Titles  
 8   I and II of the Workforce Investment Act of 2013”.

9           (r) *INTERNAL REVENUE CODE OF 1986*.—Section  
 10   7527(e)(2) of the Internal Revenue Code of 1986 is amended  
 11   by inserting “(as in effect on the day before the date of en-  
 12   actment of the Workforce Investment Act of 2013)” after “of  
 13   1998”.

14          (s) *McKINNEY-VENTO HOMELESS ASSISTANCE ACT*.—  
 15   Section 103(c)(2) of the McKinney-Vento Homeless Assist-  
 16   ance Act (42 U.S.C. 11302(c)(2)) is amended by striking  
 17   “a homeless individual shall be eligible for assistance under  
 18   title I of the Workforce Investment Act of 1998” and insert-  
 19   ing “a homeless individual shall be eligible for assistance  
 20   under title I or II of the Workforce Investment Act of 2013”.

21          (t) *MUSEUM AND LIBRARY SERVICES ACT*.—The Mu-  
 22   seum and Library Services Act (20 U.S.C. 9101 et seq.)  
 23   is amended as follows:

24               (1) Section 204(f)(3) of such Act (20 U.S.C.  
 25               9103(f)(3)) is amended by striking “activities under

1 *the Workforce Investment Act of 1998 (29 U.S.C. 2801*  
 2 *et seq.) (including activities under section 134(c) of*  
 3 *such Act) (29 U.S.C. 2864(c))” and inserting “activi-*  
 4 *ties under the Workforce Investment Act of 2013 (in-*  
 5 *cluding activities under section 221(e) of such Act))”.*

6 (2) *Section 224(b)(6)(C) of such Act (20 U.S.C.*  
 7 *9134(b)(6)(C)) is amended—*

8 (A) *in clause (i), by striking “the activities*  
 9 *carried out by the State workforce investment*  
 10 *board under section 111(d) of the Workforce In-*  
 11 *vestment Act of 1998 (29 U.S.C. 2821(d))” and*  
 12 *inserting “the activities carried out by the State*  
 13 *workforce development board under section 111*  
 14 *of the Workforce Investment Act of 2013”; and*

15 (B) *in clause (ii), by striking “the State’s*  
 16 *one-stop delivery system established under sec-*  
 17 *tion 134(c) of such Act (29 U.S.C. 2864(c))” and*  
 18 *inserting “the State’s one-stop delivery system*  
 19 *established under section 221(e) of such Act”.*

20 (u) *NATIONAL AND COMMUNITY SERVICE ACT OF*  
 21 *1990.—The National and Community Service Act of 1990*  
 22 *(42 U.S.C. 12501 et seq.) is amended as follows:*

23 (1) *Section 112(a)(3)(B) of such Act (42 U.S.C.*  
 24 *12523(a)(3)(B)) is amended by striking “or who may*  
 25 *participate in a Youthbuild program under section*

1        *173A of the Workforce Investment Act of 1998 (29*  
 2        *U.S.C. 2918a)” and inserting “or who may partici-*  
 3        *pate in a Youthbuild program under section 272 of*  
 4        *the Workforce Investment Act of 2013”.*

5            *(2) Section 199L(a) of such Act (42 U.S.C.*  
 6        *12655m(a)) is amended by striking “coordinated with*  
 7        *activities supported with assistance made available*  
 8        *under programs administered by the heads of such*  
 9        *agencies (including title I of the Workforce Investment*  
 10       *Act of 1998)” and inserting “coordinated with activi-*  
 11       *ties supported with assistance made available under*  
 12       *programs administered by the heads of such agencies*  
 13       *(including titles I and II of the Workforce Investment*  
 14       *Act of 2013)”.*

15        *(v) NATIONAL ENERGY CONSERVATION POLICY ACT.—*  
 16       *Section 233 of the National Energy Conservation and Pol-*  
 17       *icy Act (42 U.S.C. 6873) is amended, in the matter pre-*  
 18       *ceding paragraph (1), by striking “a sufficient number of*  
 19       *volunteers and training participants and public service em-*  
 20       *ployment workers, assisted pursuant to title I of the Work-*  
 21       *force Investment Act of 1998 and the Older American Com-*  
 22       *munity Service Employment Act” and inserting “a suffi-*  
 23       *cient number of volunteers and training participants and*  
 24       *public service employment workers, assisted pursuant to*

1 *title I or II of Workforce Investment Act of 2013 and the*  
 2 *Community Service Senior Opportunities Act”.*

3 *(w) OLDER AMERICANS ACT OF 1965.—The Older*  
 4 *Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended*  
 5 *as follows:*

6 *(1) Section 203 of such Act (42 U.S.C. 3013) is*  
 7 *amended—*

8 *(A) in subsection (a)(2), by striking “In*  
 9 *particular, the Secretary of Labor shall consult*  
 10 *and cooperate with the Assistant Secretary in*  
 11 *carrying out title I of the Workforce Investment*  
 12 *Act of 1998” and inserting “In particular, the*  
 13 *Secretary of Labor shall consult and cooperate*  
 14 *with the Assistant Secretary in carrying out ti-*  
 15 *tles I and II of the Workforce Investment Act of*  
 16 *2013”; and*

17 *(B) in subsection (b)(1), by striking “title I*  
 18 *of the Workforce Investment Act of 1998” and in-*  
 19 *serting “titles I and II of the Workforce Invest-*  
 20 *ment Act of 2013”.*

21 *(2) Section 321(a)(12) of such Act (42 U.S.C.*  
 22 *3030d(a)(12)) is amended by striking “including pro-*  
 23 *grams carried out under the Workforce Investment*  
 24 *Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting*

1       *“including programs carried out under the Workforce*  
2       *Investment Act of 2013”.*

3               *(3) Section 502 of such Act (42 U.S.C. 3056) is*  
4       *amended—*

5                       *(A) in subsection (b)—*

6                               *(i) in paragraph (1)—*

7                                       *(I) in subparagraph (H), by strik-*  
8                                       *ing “will coordinate activities with*  
9                                       *training and other services provided*  
10                                      *under title I of the Workforce Invest-*  
11                                      *ment Act of 1998 (29 U.S.C. 2801 et*  
12                                      *seq.), including utilizing the one-stop*  
13                                      *delivery system of the local workforce*  
14                                      *investment areas involved” and insert-*  
15                                      *ing “will coordinate activities with*  
16                                      *training and other services provided*  
17                                      *under titles I and II of the Workforce*  
18                                      *Investment Act of 2013, including uti-*  
19                                      *lizing the one-stop delivery system of*  
20                                      *the local workforce development areas*  
21                                      *involved”;*

22                                      *(II) in subparagraph (O)—*

23   *(aa) by striking “through the*  
24   *one-stop delivery system of the*  
25   *local workforce investment areas*

involved as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),” and inserting “through the one-stop delivery system of the local workforce development areas involved as established under section 221(e) of the Workforce Investment Act of 2013,”; and

(bb) by striking “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c))” and inserting “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce development board in accordance with section 221(c) of such Act”; and

(III) in subparagraph (Q)—

1                   (aa) in clause (i), by striking  
 2                   “paragraph (8), relating to co-  
 3                   ordination with other Federal  
 4                   programs, of section 112(b) of the  
 5                   Workforce Investment Act of 1998  
 6                   (29 U.S.C. 2822(b))” and insert-  
 7                   ing “clauses (ii) and (viii) of  
 8                   paragraph (2)(B), relating to co-  
 9                   ordination with other Federal  
 10                  programs, of section 112(b) of the  
 11                  Workforce Investment Act of  
 12                  2013”; and

13                  (bb) in clause (ii), by strik-  
 14                  ing “paragraph (14), relating to  
 15                  implementation of one-stop deliv-  
 16                  ery systems, of section 112(b) of  
 17                  the Workforce Investment Act of  
 18                  1998” and inserting “paragraph  
 19                  (2)(C)(i), relating to implementa-  
 20                  tion of one-stop delivery systems,  
 21                  of section 112(b) of the Workforce  
 22                  Investment Act of 2013”;

23                  (ii) in paragraph (3)—

24                         (I) in subparagraph (A), by strik-  
 25                         ing “An assessment and service strat-

1                   egy required by paragraph (1)(N) to be  
2                   prepared for an eligible individual  
3                   shall satisfy any condition for an as-  
4                   sessment and service strategy or indi-  
5                   vidual employment plan for an adult  
6                   participant under subtitle B of title I  
7                   of the Workforce Investment Act of  
8                   1998 (29 U.S.C. 2811 et seq.), in order  
9                   to determine whether such eligible indi-  
10                  vidual also qualifies for intensive or  
11                  training services described in section  
12                  134(d) of such Act (29 U.S.C.  
13                  2864(d)).” and inserting “An assess-  
14                  ment and service strategy required by  
15                  paragraph (1)(N) to be prepared for  
16                  an eligible individual shall satisfy any  
17                  condition for an assessment and service  
18                  strategy or individual employment  
19                  plan for an adult participant under  
20                  subtitle B of title II of the Workforce  
21                  Investment Act of 2013, in order to de-  
22                  termine whether such eligible indi-  
23                  vidual also qualifies for intensive or  
24                  training services described in section  
25                  234(c) of such Act.”



1 (II) in subparagraph (B)—

2 (aa) in the subparagraph  
3 heading, by striking “WORK-  
4 FORCE INVESTMENT ACT OF 1998”  
5 and inserting “WORKFORCE IN-  
6 VESTMENT ACT OF 2013”; and

7 (bb) by striking “An assess-  
8 ment and service strategy or indi-  
9 vidual employment plan prepared  
10 under subtitle B of title I of the  
11 Workforce Investment Act of 1998  
12 (29 U.S.C. 2811 et seq.)” and in-  
13 serting “An assessment and serv-  
14 ice strategy or individual employ-  
15 ment plan prepared under subtitle  
16 B of title II of the Workforce In-  
17 vestment Act of 2013”.

18 (B) in subsection (e)(2)(B)(ii), by striking  
19 “one-stop delivery systems established under title  
20 I of the Workforce Investment Act of 1998 (29  
21 U.S.C. 2801 et seq.)” and inserting “one-stop de-  
22 livery systems established under section 221 of  
23 the Workforce Investment Act of 2013”.

24 (4) Section 503 of such Act (42 U.S.C. 3056a) is  
25 amended—

1           (A) in subsection (a)—

2                 (i) in paragraph (2)(A), by striking  
3                 “the State and local workforce investment  
4                 boards established under title I of the Work-  
5                 force Investment Act of 1998 (29 U.S.C.  
6                 2801 et seq.)” and inserting “the State and  
7                 local workforce development boards estab-  
8                 lished under title I of the Workforce Invest-  
9                 ment Act of 2013”; and

10               (ii) in paragraph (4)(F), by striking  
11               “plans for facilitating the coordination of  
12               activities of grantees in the State under this  
13               title with activities carried out in the State  
14               under title I of the Workforce Investment  
15               Act of 1998 (29 U.S.C. 2801 et seq.)” and  
16               inserting “plans for facilitating the coordi-  
17               nation of activities of grantees in the State  
18               under this title with activities carried out  
19               in the State under titles I and II of the  
20               Workforce Investment Act of 2013”; and

21               (B) in subsection (b)(2)(A), by striking  
22               “with the program carried out under the Work-  
23               force Investment Act of 1998 (29 U.S.C. 2801 et  
24               seq.)” and inserting “with the program carried

1           *out under the Workforce Investment Act of*  
2           *2013”.*

3           *(5) Section 505(c)(1) (42 U.S.C. 3056c(c)(1)) of*  
4           *such Act is amended by striking “activities carried*  
5           *out under other Acts, especially activities provided*  
6           *under the Workforce Investment Act of 1998 (29*  
7           *U.S.C. 2801 et seq.), including activities provided*  
8           *through one-stop delivery systems established under*  
9           *section 134(c)) of such Act (29 U.S.C. 2864(c)),” and*  
10          *inserting “activities carried out under other Acts, es-*  
11          *pecially activities provided under the Workforce In-*  
12          *vestment Act of 2013, including activities provided*  
13          *through one-stop delivery systems established under*  
14          *section 221(e) of such Act,”.*

15          *(6) Section 510 of such Act (42 U.S.C. 3056h) is*  
16          *amended—*

17                 *(A) by striking “by local workforce invest-*  
18                 *ment boards and one-stop operators established*  
19                 *under title I of the Workforce Investment Act of*  
20                 *1998 (29 U.S.C. 2801 et seq.)” and inserting “by*  
21                 *local workforce development boards and one-stop*  
22                 *operators established under title I or II of the*  
23                 *Workforce Investment Act of 2013”; and*

24                 *(B) by striking “such title I” and inserting*  
25                 *“titles I and II of such Act”.*

1           (7) *Section 511 of such Act (42 U.S.C. 3056i) is*  
2     *amended—*

3           (A) *in subsection (a), by striking “Grantees*  
4     *under this title shall be one-stop partners as de-*  
5     *scribed in subparagraphs (A) and (B)(vi) of sec-*  
6     *tion 121(b)(1) of the Workforce Investment Act of*  
7     *1998 (29 U.S.C. 2841(b)(1)) in the one-stop de-*  
8     *livery system established under section 134(c) of*  
9     *such Act (29 U.S.C. 2864(c)) for the appropriate*  
10    *local workforce investment areas” and inserting*  
11    *“Grantees under this title shall be one-stop part-*  
12    *ners as described in subparagraphs (A) and*  
13    *(B)(v) of section 221(b)(1) of the Workforce In-*  
14    *vestment Act of 2013 in the one-stop delivery*  
15    *system established under section 221(e) of such*  
16    *Act for the appropriate local workforce develop-*  
17    *ment areas”;* and

18          (B) *in subsection (b)(2), by striking “be sig-*  
19    *natories of the memorandum of understanding*  
20    *established under section 121(c) of the Workforce*  
21    *Investment Act of 1998 (29 U.S.C. 2841(c))” and*  
22    *inserting “be signatories of the memorandum of*  
23    *understanding established under section 221(c) of*  
24    *the Workforce Investment Act of 2013”.*

1           (8) *Section 518(b)(2)(F) of such Act (42 U.S.C.*  
 2           *3056p(b)(2)(F)) is amended by striking “has failed to*  
 3           *find employment after utilizing services provided*  
 4           *under title I of the Workforce Investment Act of 1998*  
 5           *(29 U.S.C. 2801 et seq.)” and inserting “has failed to*  
 6           *find employment after utilizing services provided*  
 7           *under title I or II of the Workforce Investment Act of*  
 8           *2013”.*

9           (x) *PERSONAL RESPONSIBILITY AND WORK OPPOR-*  
 10          *TUNITY RECONCILIATION ACT OF 1996.—Section*  
 11          *403(c)(2)(K) of the Personal Responsibility and Work Op-*  
 12          *portunity Reconciliation Act of 1996 (8 U.S.C.*  
 13          *1613(c)(2)(K)) is amended by striking “Benefits under the*  
 14          *title I of the Workforce Investment Act of 1998” and insert-*  
 15          *ing “Benefits under title I or II of the Workforce Investment*  
 16          *Act of 2013”.*

17          (y) *PATIENT PROTECTION AND AFFORDABLE CARE*  
 18          *ACT.—Section 5101(d)(3)(D) of the Patient Protection and*  
 19          *Affordable Care Act (42 U.S. 294q(d)(3)(D)) is amended*  
 20          *by striking “other health care workforce programs, includ-*  
 21          *ing those supported through the Workforce Investment Act*  
 22          *of 1998 (29 U.S.C. 2801 et seq.),” and inserting “other*  
 23          *health care workforce programs, including those supported*  
 24          *through the Workforce Investment Act of 2013,”.*

1       (z) *PUBLIC HEALTH SERVICE ACT.*—*The Public*  
 2 *Health Service Act (42 U.S.C. 201 et seq.) is amended as*  
 3 *follows:*

4           (1) *Section 399V(e) of such Act (42 U.S.C. 280g–*  
 5 *11(e)) is amended by striking “one-stop delivery sys-*  
 6 *tems under section 134(c) of the Workforce Investment*  
 7 *Act of 1998” and inserting “one-stop delivery systems*  
 8 *under section 221(e) of the Workforce Investment Act*  
 9 *of 2013”.*

10          (2) *Section 751(c)(1)(A) of such Act (42 U.S.C.*  
 11 *294a(c)(1)(A)) is amended by striking “the applicable*  
 12 *one-stop delivery system under section 134(c) of the*  
 13 *Workforce Investment Act of 1998,” and inserting*  
 14 *“the applicable one-stop delivery system under section*  
 15 *221(e) of the Workforce Investment Act of 2013,”.*

16          (3) *Section 799B(23) of such Act (42 U.S.C.*  
 17 *295p(23)) is amended by striking “one-stop delivery*  
 18 *system described in section 134(c) of the Workforce*  
 19 *Investment Act of 1998 (29 U.S.C. 2864(c))” and in-*  
 20 *serting “one-stop delivery system described in section*  
 21 *221(e) of the Workforce Investment Act of 2013”.*

22       (aa) *RUNAWAY AND HOMELESS YOUTH ACT.*—*Section*  
 23 *322(a)(7) of the Runaway and Homeless Youth Act (42*  
 24 *U.S.C. 5714–2(a)(7)) is amended by striking “(including*  
 25 *services and programs for youth available under the Work-*

1 *force Investment Act of 1998)*” and inserting “(including  
 2 *services and programs for youth available under the Work-*  
 3 *force Investment Act of 2013)*”.

4 (bb) *SECOND CHANCE ACT OF 2007.—The Second*  
 5 *Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended*  
 6 *as follows:*

7 (1) *Section 212 of such Act (42 U.S.C. 17532) is*  
 8 *amended—*

9 (A) *in subsection (c)(1)(B), by striking “in*  
 10 *coordination with the one-stop partners and one-*  
 11 *stop operators (as such terms are defined in sec-*  
 12 *tion 101 of the Workforce Investment Act of 1998*  
 13 *(29 U.S.C. 2801)) that provide services at any*  
 14 *center operated under a one-stop delivery system*  
 15 *established under section 134c) of the Workforce*  
 16 *Investment Act of 1998 (29 U.S.C. 2864(c)),”*  
 17 *and inserting “in coordination with the one-stop*  
 18 *partners and one-stop operators (as such terms*  
 19 *are defined in section 101 of the Workforce In-*  
 20 *vestment Act of 2013) that provide services at*  
 21 *any center operated under a one-stop delivery*  
 22 *system established under section 221(e) of the*  
 23 *Workforce Investment Act of 2013),”;* and

24 (B) *in subsection (d)(1)(B)(iii), by striking*  
 25 *“the local workforce investment boards estab-*

1           lished under section 117 of the Workforce Invest-  
 2           ment Act of 1998 (29 U.S.C. 2832)),” and in-  
 3           serting “the local workforce development boards  
 4           established under section 117 of the Workforce  
 5           Investment Act of 2013,”.

6           (2) Section 231(e) of such Act (42 U.S.C.  
 7           17541(e)) is amended by striking “the one-stop part-  
 8           ners and one-stop operators (as such terms are de-  
 9           fined in section 101 of the Workforce Investment Act  
 10          of 1998 (29 U.S.C. 2801)) that provide services at  
 11          any center operated under a one-stop delivery system  
 12          established under section 134(c) of the Workforce In-  
 13          vestment Act of 1998 (29 U.S.C. 2864(c))” and insert-  
 14          ing “the one-stop partners and one-stop operators (as  
 15          such terms are defined in section 101 of the Workforce  
 16          Investment Act of 2013) that provide services at any  
 17          center operated under a one-stop delivery system es-  
 18          tablished under section 221(e) of the Workforce Invest-  
 19          ment Act of 2013”.

20          (cc) *SMALL BUSINESS ACT*.—Section 7(j)(13)(E) of the  
 21          Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended  
 22          by striking “an institution eligible to provide skills training  
 23          or upgrading under title I of the Workforce Investment Act  
 24          of 1998” and inserting “an institution eligible to provide



1 *skills training or upgrading under title I or II of the Work-*  
 2 *force Investment Act of 2013”.*

3 *(dd) SOCIAL SECURITY ACT.—The Social Security Act*  
 4 *(42 U.S.C. 301 et seq.) is amended as follows:*

5 *(1) Section 403(a)(5) of such Act (42 U.S.C.*  
 6 *603(a)(5) is amended—*

7 *(A) in subparagraph (A)(vii)(I), by striking*  
 8 *“chief elected official (as defined in section 101*  
 9 *of the Workforce Investment Act of 1998)” and*  
 10 *inserting “chief elected official (as defined in sec-*  
 11 *tion 101 of the Workforce Investment Act of*  
 12 *2013)”;* and

13 *(B) in subparagraph (D)(ii), by striking*  
 14 *“local workforce investment board established for*  
 15 *the service delivery area pursuant to title I of the*  
 16 *Workforce Investment Act of 1998, as appro-*  
 17 *priate” and inserting “local workforce develop-*  
 18 *ment board established for the local workforce de-*  
 19 *velopment area pursuant to title I of the Work-*  
 20 *force Investment Act of 2013, as appropriate”.*

21 *(2) Section 1148(f)(1)(B) of such Act (42 U.S.C.*  
 22 *1320b-19(f)(1)(B)) is amended by striking “a one-stop*  
 23 *delivery system established under subtitle B of title I*  
 24 *of the Workforce Investment Act of 1998 (29 U.S.C.*  
 25 *2811 et seq.)” and inserting “a one-stop delivery sys-*

1        *tem established under section 221(e) of the Workforce*  
 2        *Investment Act of 2013”.*

3            (3) *Section 1149(a)(3) of such Act (42 U.S.C.*  
 4        *1320b-20(a)(3)) is amended by striking “a one-stop*  
 5        *delivery system established under subtitle B of title I*  
 6        *of the Workforce Investment Act of 1998 (29 U.S.C.*  
 7        *2811 et seq.)” and inserting “a one-stop delivery sys-*  
 8        *tem established under section 221(e) of the Workforce*  
 9        *Investment Act of 2013”.*

10          (4) *Section 2008(a) of such Act (42 U.S.C.*  
 11        *1397g(a)) is amended—*

12            (A) *in paragraph (2)(B), by striking “the*  
 13        *State workforce investment board established*  
 14        *under section 111 of the Workforce Investment*  
 15        *Act of 1998” and inserting “the State workforce*  
 16        *development board established under section 111*  
 17        *of the Workforce Investment Act of 2013”; and*

18            (B) *in paragraph (4)(A), by striking “a*  
 19        *local workforce investment board established*  
 20        *under section 117 of the Workforce Investment*  
 21        *Act of 1998,” and inserting “a local workforce*  
 22        *development board established under section 117*  
 23        *of the Workforce Investment Act of 2013,”.*

24          (ee) *TITLE 18 OF THE UNITED STATES CODE.—Sec-*  
 25        *tion 665 of title 18 of the United States Code is amended—*

1           (1) in subsection (a), by striking “Whoever,  
2       being an officer, director, agent, or employee of, or  
3       connected in any capacity with any agency or orga-  
4       nization receiving financial assistance or any funds  
5       under the Job Training Partnership Act or title I of  
6       the Workforce Investment Act of 1998” and inserting  
7       “Whoever, being an officer, director, agent, or em-  
8       ployee of, or connected in any capacity with any  
9       agency or organization receiving financial assistance  
10      or any funds under title I or II of the Workforce In-  
11      vestment Act of 2013”;

12          (2) in subsection (b), by striking “a contract of  
13      employment in connection with a financial assistance  
14      agreement or contract under the Job Training Part-  
15      nership Act or title I of the Workforce Investment Act  
16      of 1998” and inserting “a contract of employment in  
17      connection with a financial assistance agreement or  
18      contract under title I or II of the Workforce Invest-  
19      ment Act of 2013”; and

20          (3) in subsection (c), by striking “Whoever will-  
21      fully obstructs or impedes or willfully endeavors to ob-  
22      struct or impede, an investigation or inquiry under  
23      the Job Training Partnership Act or title I of the  
24      Workforce Investment Act of 1998,” and inserting  
25      “Whoever willfully obstructs or impedes or willfully

1        *endeavors to obstruct or impede, an investigation or*  
 2        *inquiry under title I or II of the Workforce Invest-*  
 3        *ment Act of 2013”.*

4        (ff) *TITLE 31 OF THE UNITED STATES CODE.—Sec-*  
 5        *tion 6703(a)(4) of title 31 of the United States Code is*  
 6        *amended by striking “Programs under title I of the Work-*  
 7        *force Investment Act of 1998.” and inserting “Programs*  
 8        *under titles I and II of the Workforce Investment Act of*  
 9        *2013”.*

10        (gg) *TITLE 38 OF THE UNITED STATES CODE.—Title*  
 11        *38 of the United States Code is amended as follows:*

12                (1) *Section 4101(9) of title 38 of the United*  
 13        *States Code is amended by striking “The term ‘inten-*  
 14        *sive services’ means local employment and training*  
 15        *services of the type described in section 134(d)(3) of*  
 16        *the Workforce Investment Act of 1998” and inserting*  
 17        *“The term ‘intensive services’ means local employ-*  
 18        *ment and training services of the type described in*  
 19        *section 234(c)(3) of the Workforce Investment Act of*  
 20        *2013”.*

21                (2) *Section 4102A of title 38 of the United States*  
 22        *Code is amended—*

23                        (A) *in subsection (d), by striking “partici-*  
 24        *pation of qualified veterans and eligible persons*  
 25        *in employment and training opportunities under*

1 *title I of the Workforce Investment Act of 1998”*  
 2 *and inserting “participation of qualified vet-*  
 3 *erans and eligible persons in employment and*  
 4 *training opportunities under titles I and II of*  
 5 *the Workforce Investment Act of 2013”; and*

6 *(B) in subsection (f)(2)(A), by striking “be*  
 7 *consistent with State performance measures ap-*  
 8 *plicable under section 136(b) of the Workforce*  
 9 *Investment Act of 1998” and inserting “be con-*  
 10 *sistent with State performance accountability*  
 11 *measures applicable under section 131(b) of the*  
 12 *Workforce Investment Act of 2013”.*

13 *(3) Section 4104A of title 38 of the United States*  
 14 *Code is amended—*

15 *(A) in subsection (b)(1)(B), by striking “the*  
 16 *appropriate State boards and local boards (as*  
 17 *such terms are defined in section 101 of the*  
 18 *Workforce Investment Act of 1998 (29 U.S.C.*  
 19 *2801))” and inserting “the appropriate State*  
 20 *boards and local boards (as such terms are de-*  
 21 *fined in section 101 of the Workforce Investment*  
 22 *Act of 2013)”;* and

23 *(B) in subsection (c)(1)(A), by striking “the*  
 24 *appropriate State boards and local boards (as*  
 25 *such terms are defined in section 101 of the*

1           *Workforce Investment Act of 1998 (29 U.S.C.*  
2           *2801))” and inserting “the appropriate State*  
3           *boards and local boards (as such terms are de-*  
4           *finied in section 101 of the Workforce Investment*  
5           *Act of 2013)”.*

6           *(4) Section 4110B of title 38 of the United*  
7           *States Code is amended by striking “enter into an*  
8           *agreement with the Secretary regarding the imple-*  
9           *mentation of the Workforce Investment Act of 1998*  
10          *that includes the description and information de-*  
11          *scribed in paragraphs (8) and (14) of section 112(b)*  
12          *of the Workforce Investment Act of 1998 (29 U.S.C.*  
13          *2822(b))” and inserting “enter into an agreement*  
14          *with the Secretary regarding the implementation of*  
15          *the Workforce Investment Act of 2013 that includes*  
16          *the description and information described in clauses*  
17          *(ii) and (viii) of subparagraph (B), and subpara-*  
18          *graph (C)(i), of section 112(b)(2) of the Workforce In-*  
19          *vestment Act of 2013”.*

20          *(5) Section 4213(a)(4) of title 38 of the United*  
21          *States Code is amended by striking “Any employment*  
22          *or training program carried out under title I of the*  
23          *Workforce Investment Act of 1998 (29 U.S.C. 2801 et*  
24          *seq.)” and inserting “Any employment or training*

1        *program carried out under title I or II of the Work-*  
 2        *force Investment Act of 2013”.*

3        *(hh) TRADE ACT OF 1974.—The Trade Act of 1974 (19*  
 4        *U.S.C. 2101 et seq.) is amended as follows:*

5                *(1) Section 221(a) of such Act (19 U.S.C. 2271)*  
 6        *is amended—*

7                *(A) in paragraph (1)(C)—*

8                        *(i) by striking “, one-stop operators or*  
 9                        *one-stop partners (as defined in section 101*  
 10                        *of the Workforce Investment Act of 1998 (29*  
 11                        *U.S.C. 2801)) including State employment*  
 12                        *security agencies,” and inserting “, one-stop*  
 13                        *operators or one-stop partners (as defined*  
 14                        *in section 101 of the Workforce Investment*  
 15                        *Act of 2013) including State employment*  
 16                        *security agencies,”; and*

17                        *(ii) by striking “or the State dislocated*  
 18                        *worker unit established under title I of such*  
 19                        *Act,” and inserting “or a State dislocated*  
 20                        *worker unit,”; and*

21                *(B) in subsection (a)(2)(A), by striking*  
 22                *“rapid response activities and appropriate core*  
 23                *and intensive services (as described in section*  
 24                *134 of the Workforce Investment Act of 1998 (29*  
 25                *U.S.C. 2864)) authorized under other Federal*

1       *laws” and inserting “rapid response activities*  
 2       *and appropriate core and intensive services (as*  
 3       *described in section 234 of the Workforce Invest-*  
 4       *ment Act of 2013) authorized under other Fed-*  
 5       *eral laws”.*

6       *(2) Section 222(d)(2)(A)(iv) of such Act (19*  
 7       *U.S.C. 2272(d)(2)(A)(iv)) is amended by striking*  
 8       *“one-stop operators or one-stop partners (as defined*  
 9       *in section 101 of the Workforce Investment Act of*  
 10       *1998 (29 U.S.C. 2801))” and inserting “one-stop op-*  
 11       *erators or one-stop partners (as defined in section 101*  
 12       *of the Workforce Investment Act of 2013)”.*

13       *(3) Section 236(a)(5) of such Act (19 U.S.C.*  
 14       *2296(a)(5)) is amended—*

15               *(A) in subparagraph (B), by striking “any*  
 16               *training program provided by a State pursuant*  
 17               *to title I of the Workforce Investment Act of*  
 18               *1998” and inserting “any training program pro-*  
 19               *vided by a State pursuant to title I or II of the*  
 20               *Workforce Investment Act of 2013”; and*

21               *(B) in the flush text following subparagraph*  
 22               *(H), by striking “The Secretary may not limit*  
 23               *approval of a training program under para-*  
 24               *graph (1) to a program provided pursuant to*  
 25               *title I of the Workforce Investment Act of 1998*



1           (29 U.S.C. 2801 *et seq.*)” and inserting “The  
2           Secretary may not limit approval of a training  
3           program under paragraph (1) to a program pro-  
4           vided pursuant to title I or II of the Workforce  
5           Investment Act of 2013.”.

6           (4) Section 239 of such Act (19 U.S.C. 2311) is  
7           amended—

8                   (A) in subsection (f), by striking “Any  
9                   agreement entered into under this section shall  
10                  provide for the coordination of the administra-  
11                  tion of the provisions for employment services,  
12                  training, and supplemental assistance under sec-  
13                  tions 235 and 236 of this Act and under title I  
14                  of the Workforce Investment Act of 1998” and in-  
15                  serting “Any agreement entered into under this  
16                  section shall provide for the coordination of the  
17                  administration of the provisions for employment  
18                  services, training, and supplemental assistance  
19                  under sections 235 and 236 of this Act and  
20                  under titles I and II of the Workforce Investment  
21                  Act of 2013”; and

22                   (B) in subsection (h), by striking “the de-  
23                  scription and information described in para-  
24                  graphs (8) and (14) of section 112(b) of the  
25                  Workforce Investment Act of 1998 (29 U.S.C.

1       2822(b))” and inserting “the description and in-  
 2       formation described in clauses (ii) and (viii) of  
 3       subparagraph (B), and subparagraph (C)(i), of  
 4       section 112(b)(2) of the Workforce Investment Act  
 5       of 2013”.

6       (ii) UNITED STATES HOUSING ACT OF 1937.—Section  
 7       23 of the United States Housing Act of 1937 (42 U.S.C.  
 8       1437u) is amended—

9           (1) in subsection (b)(2)(A), by striking “lack of  
 10       supportive services accessible to eligible families,  
 11       which shall include insufficient availability of re-  
 12       sources for programs under title I of the Workforce  
 13       Investment Act of 1998” and inserting “lack of sup-  
 14       portive services accessible to eligible families, which  
 15       shall include insufficient availability of resources for  
 16       programs under titles I and II of the Workforce In-  
 17       vestment Act of 2013”;

18          (2) in subsection (f)(2), by striking “the local  
 19       agencies (if any) responsible for carrying out pro-  
 20       grams under title I of the Workforce Investment Act  
 21       of 1998 or the Job Opportunities and Basic Skills  
 22       Training Program under part F of title IV of the So-  
 23       cial Security Act,” and inserting “the local agencies  
 24       (if any) responsible for carrying out programs under  
 25       titles I and II of the Workforce Investment Act of

1     *2013 or the Job Opportunities and Basic Skills*  
2     *Training Program under part F of title IV of the So-*  
3     *cial Security Act,”; and*

4             *(3) in subsection (g)—*

5                 *(A) in paragraph (2), by striking “any*  
6                 *local agencies responsible for programs under*  
7                 *title I of the Workforce Investment Act of 1998*  
8                 *or the Job Opportunities and Basic Skills Train-*  
9                 *ing Program under part F of title IV of the So-*  
10                *cial Security Act” and inserting “any local*  
11                *agencies responsible for programs under titles I*  
12                *and II of the Workforce Investment Act of 2013*  
13                *or the Job Opportunities and Basic Skills Train-*  
14                *ing Program under part F of title IV of the So-*  
15                *cial Security Act”; and*

16                *(B) in paragraph (3)(H), by striking “pro-*  
17                *grams under title I of the Workforce Investment*  
18                *Act of 1998 and any other relevant employment,*  
19                *child care, transportation, training, and edu-*  
20                *cation programs in the applicable area” and in-*  
21                *serting “programs under titles I and II of the*  
22                *Workforce Investment Act of 2013 and any other*  
23                *relevant employment, child care, transportation,*  
24                *training, and education programs in the appli-*  
25                *cable area”.*

1       (jj) *VIOLENT CRIME CONTROL AND LAW ENFORCE-*  
 2 *MENT ACT OF 1994.*—Section 31113(a)(4)(C) of the *Violent*  
 3 *Crime Control and Law Enforcement Act of 1994* (42  
 4 *U.S.C. 13823(a)(4)(C))* is amended by striking “job train-  
 5 *ing programs authorized under title I of the Workforce In-*  
 6 *vestment Act of 1998 or the Family Support Act of 1988*  
 7 *(Public Law 100–485)”* and inserting “job training pro-  
 8 *grams authorized under title I or II of the Workforce Invest-*  
 9 *ment Act of 2013 or the Family Support Act of 1988 (Pub-*  
 10 *lic Law 100–485)”*.

11       (kk) *WORKER ADJUSTMENT AND RETRAINING NOTIFI-*  
 12 *CATION ACT.*—Section 3(a)(2) of the *Worker Adjustment*  
 13 *and Retraining Notification Act* (29 U.S.C. 2102(a)(2)) is  
 14 amended by striking “the State or entity designated by the  
 15 State to carry out rapid response activities under section  
 16 134(a)(2)(A) of the *Workforce Investment Act of 1998,*” and  
 17 inserting “the State or entity designated by the State to  
 18 carry out rapid response activities under section  
 19 234(a)(2)(A) of the *Workforce Investment Act of 2013,*”.

20 **SEC. 613. REFERENCES.**

21       (a) *WORKFORCE INVESTMENT ACT OF 1998 REF-*  
 22 *ERENCES.*—Except as otherwise specified, a reference in a  
 23 Federal law to a provision of the *Workforce Investment Act*  
 24 *of 1998* (29 U.S.C. 2801 et seq.) shall be deemed to refer  
 25 to the corresponding provision of this Act.

1       (b) *WAGNER-PEYSER ACT REFERENCES.*—*Except as*  
2 *otherwise specified, a reference in a Federal law to a provi-*  
3 *sion of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall*  
4 *be deemed to refer to the corresponding provision of such*  
5 *Act, as amended by this Act.*

6       (c) *DISABILITY-RELATED REFERENCES.*—*Except as*  
7 *otherwise specified, a reference in a Federal law to a provi-*  
8 *sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et*  
9 *seq.) shall be deemed to refer to the corresponding provision*  
10 *of such Act, as amended by this Act.*

**Calendar No. 243**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1356**

**A BILL**

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

NOVEMBER 12, 2013

Reported with an amendment